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federal register

WEDNESDAY, JUNE 2, 1976

highlights

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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
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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. 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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A Cumulative List of CFR Sections Affected is published separately at the end of each month. The guide lists the parts and sections affected by documents published since the revision date of each title.

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Title 3—The President

PROCLAMATION 4444

National Good Neighbor Day, 1976

By the President of the United States of America

A Proclamation

Our Nation's struggle for independence succeeded because the people of thirteen colonies set aside their separate interests and united for a common purpose. Over the years, our Nation expanded because our pioneer ancestors, though independent and self-reliant, recognized the need to work together and to extend a helping hand.

This Bicentennial Year is an appropriate time to emphasize that only by accepting our individual responsibility to be good neighbors can we survive as a strong, united Nation. By recognizing our dependence on each other, we preserve our independence as a people.

As we teach our children the cherished ideal of government by and for the people, let us begin by teaching them to know and care about the people next door. We must not only help each other, we must be willing to learn from each other so that we may remain forever united. Each individual American must make his or her own special effort to be a good neighbor.

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, do hereby proclaim the fourth Sunday in September, the 26th of September, 1976 as National Good Neighbor Day.

I call upon every American man, woman, and child to be a good neighbor to those around them. I urge schools, churches, civic and community groups to engage in activities that will remind, encourage, and help each of us to be a good neighbor. And I call upon governors and mayors to urge their citizens to renew the good neighbor spirit.

IN WITNESS WHEREOF, I have hereunto set my hand this first day of June, 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.76-16146 Filed 6-1-76;11:30 am]

Executive Order 11917 May 28, 1976

Amending Executive Order No. 11643 of February 8, 1972,[1] Relating to Environmental Safeguards on Activities for Animal Damage Control on Federal Lands

By virtue of the authority vested in me as President of the United States, and in furtherance of the purposes and policies of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et. seq.*), the provisions of Section 1 of the Act of March 2, 1931 (46 Stat. 1468, 7 U.S.C. 426) and the Endangered Species Act of 1973 (87 Stat. 884, 16 U.S.C. 1531 *et. seq.*), and in view of the findings (40 F.R. 44726–44739, September 29, 1975) of the Administrator of the Environmental Protection Agency that the use of sodium cyanide is permissible under conditions prescribed by the Agency, Executive Order No. 11643 of February 8, 1972, as amended by Executive Order No. 11870 of July 18, 1975, is further amended by adding the following subsection to Section 3:

"(d) Notwithstanding the provisions of subsection (a) of this Section, the head of an agency may authorize the operational use of sodium cyanide in Federal programs or on Federal lands, but only in accordance with regulations and on the terms and subject to all the restrictions which may now or hereafter be prescribed by the Environmental Protection Agency; provided that, such use of sodium cyanide is prohibited in (1) areas where endangered or threatened animal species might be adversely affected; (2) areas of the National Park System; (3) areas of the National Wildlife Refuge System; (4) areas of the National Wilderness Preservation System; (5) areas within national forests or other Federal lands specifically set aside for recreational use; (6) prairie dog towns; (7) National Monument areas; and (8) any areas where exposure to the public and family pets is probable.".

Gerald R. Ford

THE WHITE HOUSE,
May 28, 1976.

[FR Doc.76–16088 Filed 5–28–76;4:24 pm]

[1] 37 FR 2875; 3A CFR, 1972 Comp., p. 140.

rules and regulations

Title 4—Accounts

CHAPTER III—COST ACCOUNTING STANDARDS BOARD

PART 400—DEFINITIONS

PART 410—ALLOCATION OF BUSINESS UNIT GENERAL AND ADMINISTRATIVE EXPENSES TO FINAL COST OBJECTIVES

Addition of Part; Miscellaneous Amendments

Correction

FR Doc. 76–11137, appearing at page 16135 in the FEDERAL REGISTER for Friday, April 16, 1976 contained several typographical errors and omissions. The corrections are set forth below and do not in any way alter or revise the Standard originally published.

1. On page 16136, in the center column, the words now appearing as "casual" should be changed to read "causal" in the following places:

a. In the third line from the top of the column;

b. In the first complete paragraph of the column, in the fourth and eighth lines;

c. In the third complete paragraph of the column, in the fifth line from the bottom.

2. On page 16136, in the third column, in the fifth line from the top, insert the word "base" between the words "input" and "would".

3. On page 16137, in the second column, beneath the center heading "2. A Transition Provision", in the eighth line, the third word should read "transition".

4. On page 16138, in the first column, strike the word "cost" and insert the word "suspense" in the following places:

a. In the fourth paragraph, in the 12th line;

b. In the fifth paragraph, in the 1st, 11th, 14th, and 18th lines.

5. On page 16138, in the first column, in the fourth paragraph, in the last line, insert the word "cost" between the words "accounting" and "period".

6. On page 16139, in the center column, in the fourth line from the top, the symbol between the "G" and the "A" should be "&".

7. On page 16139, in the center column, in the sixth line of the first complete paragraph, insert the words "of expense. The Standard now provides" between the words "type" and "explicitly".

8. On page 16139, in the third column in the first line beneath the center heading "6. Allocation of * * *", the word first should read "Commentators".

9. On page 16142, make the following changes:

a. In § 410.50(d), in the 11th line, the last word should read "represents";

b. In § 410.50(d)(2), in the 7th line, the first word should read "than";

c. In § 410.50(g)(1), in the center column in the eighth line, "C&A" should read "G&A";

d. In § 410.60(a), in the ninth line, the fourth word should read "satisfy".

10. In Appendix A, make the following changes:

a. On page 16144, in the first column, in paragraph (6), in the third line, insert "suspense" between the words "inventory" and "account".

b. On page 16144, in the first column, in paragraph (7), in the 7th line, the third word should read "allocation".

PART 400—DEFINITIONS

PART 414—COST ACCOUNTING STANDARD—COST OF MONEY AS AN ELEMENT OF THE COST OF FACILITIES CAPITAL

Miscellaneous Amendments

The Standard on Cost of Money as an Element of the Cost of Facilities Capital being published today is one of a series being promulgated by the Cost Accounting Standards Board (Board) pursuant to section 719 of the Defense Production Act of 1950, as amended (Pub. L. 91–379, 50 U.S.C. App. 2168), which provides for the development of Cost Accounting Standards to be used in connection with negotiated national defense contracts.

Performance under negotiated contracts usually requires the use of facilities which represent significant contractor investments. Accounting principles applicable to financial reporting do not provide for any explicit recognition of the cost of capital committed to facilities. The Board has long been interested in identifying, as a contract cost, a part of the contractor's total cost of capital. The Board distributed three research papers dealing with the cost of capital in connection with negotiated contracts. These mailings were in June 1974, April 1975, and December 1975. The responses received to all three of those research mailings were useful in the development of the proposal published by the Board on March 5, 1976 (41 FR 9562).

The Board supplemented that March 5 FEDERAL REGISTER request for comments by sending copies of the FEDERAL REGISTER material directly to organizations and individuals who were expected to be interested. The Board has received 82 comments on the March 5 proposal. All of these comments have been carefully considered. The Board appreciates the helpful suggestions and criticisms which have been furnished.

The comments below summarize the major issues discussed by respondents and the significant changes which have been made from the March 5 version of the proposed Standard.

A. GENERAL COMMENTS

(1) *Impact on Contract Prices.* Commentators who represented contractors and the accounting profession tended to favor the proposal, while those who represented some Government agencies were opposed. Government representatives were joined by some other commentators who expressed the belief that the cost of money as an element of the cost of capital committed to facilities should remain, explicit or otherwise, a consideration in determining contract profit compensation, rather than be treated as an element of cost. The Board's early research into the broad question of measurement of the costs related to capital commitment included a number of inquiries about the propriety of a change in the basic concepts of contract cost to include this element.

The cost to be measured, even though imputed, is real and is relevant for contract costing. The Board is persuaded that there has not been adequate agreement on techniques for measuring it. A Cost Accounting Standard is, therefore, appropriate.

Some commentators have expressed concern that contract profit levels may be reduced when this new element of contract cost is recognized, and that there will thus be no real financial benefit from the issuance of the Standard. Such comments are based on a misunderstanding of the Board's mission. The Standard is intended to improve contract cost measurement and understanding by the contracting parties and to provide for greater uniformity by specifying techniques appropriate to types of circumstances actually encountered. Capital asset commitment varies widely among contracts. The Board has developed a technique that takes explicit account of such differences in capital intensity. The procurement agencies are now considering their pricing policies and the Board expects the agencies in doing this to give appropriate recognition to this Standard.

(2) *Exclusion of Working Capital.* As the Board pointed out in its publication on March 5, 1976, its staff has investigated the problems related to measurement of the costs related to investments

in operating, or working, capital. Most commentators, while generally favoring the Board's proposal as to the cost of facilities capital, urged that the final promulgation include explicit cost recognition based on the contractor's investment in working capital. The Board is not prepared at this time to make determinations on all the issues related to working capital. The economic impact of contractor investment in facilities is, by itself, important enough to warrant recognition as a contract cost without delay. The Board will seek to resolve the problems related to measurement of the contract cost attributable to the investment in working capital.

(3) *Withdrawal of Proposed CAS No. 413.* A number of commentators expressed regret that the Board had withdrawn its proposed Cost Accounting Standard No. 413 on Adjustment of Historical Depreciation Costs for Inflation, which was published on October 9, 1975. As the Board pointed out in its March 5, 1976 publication, inflation has an impact on interest rates. Research shows that over time there is a strong correlation between interest rates and the rate of change of the price level. The interest rates which were available for measuring the cost of capital would unavoidably include some allowance for inflation. Although a number of respondents denied any overlap, the promulgation of both CAS No. 413 and CAS No. 414 as proposed would have resulted in some duplication of coverage.

The accounting profession continues to consider various approaches to the financial reporting problems related to inflation. The Board will continue to observe the various efforts within the profession, and will consider the usefulness for contract costing purposes of each new statement of generally accepted accounting principles related to inflation.

Should the Board consider it appropriate at some future time to measure the impact of inflation in some other way for contracts, it will, of course, reconsider the rate as well as the method selected for measurement of the cost of money as an element of the cost of facilities capital.

B. CONTENT OF THE STANDARD

(1) *The Renegotiation Board Rate.* The Board's March 5 publication specified the use of the semiannual interest rate established in accordance with Public Law 92–41 to serve as a cost of money rate for determining the imputed cost of capital committed to facilities. That law requires that the "rate shall be determined by the Secretary of the Treasury, taking into consideration current private commercial rates of interest for new loans maturing in approximately five years." (section 2, 85 Stat. 97).

Some commentators have pointed out that the interest rate specified under Pub. L. 92–41 was, during 1973–1974, less than the actually experienced rate of general inflation, and thus could not have realistically reflected the rate of inflation. The rate includes provision for the expected impacts of future inflation. In the future as in the past, inflationary expectation may indeed be less than the rate of inflation subsequently experienced; but at times it may also be greater.

Obviously the single interest rate specified under Pub. L. 92–41 and used as a cost of money rate in this Standard will rarely be the precise borrowing rate of any particular contractor.

(2) *Allocation of Facilities.* For contract costing purposes, the cost of capital committed to facilities must be related to contracts. The following three subsections deal with the techniques proposed to establish this relationship.

Simplified Procedure: The Standard being promulgated today is based on allocation to negotiated contracts of an appropriate share of the total cost of money which can be identified with the facilities employes in a business unit. This allocation is made by first identifying the total facilities capital associated with each indirect cost pool. The imputed interest cost is then assigned to contracts on the basis of the same measures used to allocate other costs from those indirect cost pools.

Interested parties almost universally accepted this basic approach. A few have expressed concern, however, that the proposed procedure might entail more effort than would be warranted by the improved precision obtained as compared with a much simpler procedure to approximate the desired allocation.

The March 5 proposal included a provision for a simple allocation technique, based on the established procedure for distribution of G&A expenses. This alternative was to be used "only where the contracting parties agree that the results are not likely to differ materially from those which would be produced under the procedure (otherwise described in the proposed Standard)."

Critics of the proposal suggest that the only way the two parties could agree to use the alternative simple procedure would be to recreate the detail of an allocation using the "regular" method as a comparison. But if the "regular" method must thereby be applied in any case, then there would be no reason to pursue the alternative. The Board has confidence in the reasonableness of the contracting parties in finding ways to achieve the purpose of this Standard. Where the total amount of facilities capital is minor in relation to the estimated incurred cost, for example, the parties could be expected to agree in advance to use the simpler alternative procedure. Similarly, if the contractor has a variety of service centers and other indirect cost pools, which are generally used to serve all productive activities, and which do not individually involve significant facility investments, the alternative procedure could be expected to provide significant administrative convenience, and should probably be used. The situation would be different if a relatively significant portion of the total facilities investment were identified with a service center which is obviously not used with the same intensity for all final cost objectives of the contractor; the imputed cost related to such an investment should be assigned on the basis of the use of the facilities rather than on the basis of some overall allocation procedure.

The instructions in the Standard have been modified slightly to clarify the availabe flexibility. The Board expects that administrative convenience and the likelihood of significant distortion will be considered in decisions about the use of the simplified alternative procedure permitted.

Basic Allocation Technique. Some commentators criticized the complexity of the regular procedure provided in the March 5 publication. The instructions called for the identification of assets to pools "on any reasonable basis that approximates the actual absorption of depreciation and the related costs of such facilities. The basis of allocation of undistributed assets in each business unit between, for example, the engineering overhead pool and the manufacturing overhead pool, should be related to the manner in which the expenses generated by these assets are absorbed in the two overhead rates. The choice of the basis for allocation is up to the contractor within the limits stated above." Those critics who feel that the instructions require too much detailed analysis in the case of elaborate overhead distribution systems seem not to have understood the intent of the quoted portion. Consolidation and simplification to a limited number of pools and allocation bases is justified in the typical situation where there are many service centers. Minor editorial changes have been made in the instructions, but the Board has not seen the need for any major change in this regard.

Application to Process Cost Systems. The Standard provides a means for allocating the imputed cost to final cost objectives by developing facilities capital cost factors for indirect cost pools. To determine the cost of money applicable to a given final cost objective, these factors must be multiplied by the corresponding allocation base units identified with the final cost objective. A few commentators questioned the technique for applying this procedure for process cost systems.

In a process cost system all the production costs, including overhead costs, are usually accumulated in cost pools associated with "process cost centers" and are then allocated to final cost objectives or products by means of an individual cost center "charging rate." The procedures outlined in this Standard for developing facilities capital cost of money factors for overhead and G&A expense pools are equally applicable to "process cost centers" in case of a process cost system. However, difficulties may arise in computing the appropriate amount of cost of money applicable to each cost objective or product. The difficulties will emerge where the cost records of individual contracts or other final cost objectives do not, as a matter of course, identify any amount of allocation base units related to these final cost objectives in the various "process cost centers." In those circumstances it is anticipated that

the contracting parties could agree upon one of several possible acceptable courses of action. Thus it should not be difficult to develop an acceptable allocation basis using statistical methods where appropriate. In addition, the "alternative method," described in instructions to Form CASB–CMF, could be applied in suitable circumstances.

(3) *Inclusion in "Cost Input".* A few commentators questioned whether the imputed cost of capital committed to facilities should be included in the cost input typically to be used as the basis for distribution of G&A expenses under the terms of Cost Accounting Standard No. 410. This element of contract cost is indeed a part of total cost. The term "cost input" is defined as "the cost, except G&A expenses, which for contract costing purposes is allocable to the production of goods and services during a cost accounting period." In principle, the cost of capital committed to facilities, other than those facilities identified with the G&A expense pool, should be included in the total cost input base.

The Board believes that as a practical matter the allocation of the cost of money for the cost accounting period (See. Col. 5 Form CASB–CMF) would not be materially affected by the inclusion or exclusion of cost of money from "cost input." The cost of money for the business unit as a whole would not change. However, to the extent that cost input is used as an allocation base some difference in the allocation to individual contracts can be anticipated. As indicated earlier, however, this difference generally should be immaterial.

In view of the amount of cost accounting data that may be affected by the introduction of cost of money as an element of contract cost and the idiosyncracies of the systems designed to handle that data, the Board believes that administrative expediency should not be ignored. Therefore, at this time it does not prescribe whether this element of cost should be included in or excluded from the cost input allocation base. Although the imputed cost of capital committed to facilities should be included in the total cost input allocation base whenever practicable, exclusion of this element will be acceptable whenever the contractor chooses such exclusion on the basis of reasonable administrative convenience. The illustration in Appendix B is prepared showing the inclusion of this cost and also, as an alternative, showing the exclusion of this element of cost from the measure used as an allocation base for G&A expenses.

C. Administration

(1) *Accounting Records.* The Board's March 5 proposal included the acknowledgement that the imputed cost to be recognized has not been treated under the generally accepted accounting principles applicable to external financial reporting. Even so, several commentators felt the need to point out to the Board that the proposal would involve a cost not currently recognized in published corporate financial reports.

The Board has often emphasized that memorandum records, not necessarily a part of the contractor's formal accounting system, can furnish adequate accounting support for contract purposes, where these purposes differ from those for which the accounting system was developed. The imputed cost to be recognized under this Standard is no exception. The Standard provides the techniques by which this cost will be measured, starting with data already in the accounting records.

(2) *Preparation of Estimates.* The March 5 proposal included the provisions that "where the cost of money must be determined on a prospective basis the cost of money rate shall be based on the most recent available rate published * * *." Some commentators urged that the Standard make more clear the relationship of the published rate to the rate to be used in estimates. Some urged that the published rate be required, and others asked for the publication of official forecasts, which should be used for estimates.

Other commentators pointed out that the determination of the cost of money applicable to a proposed contract requires estimation of a number of asset values and allocation rates. They asked that the Board provide clear instructions as to prospective application.

The Board has never undertaken to advise the contracting parties as to techniques for estimating or for agreeing upon specific amounts of estimated costs. In the case of the imputed cost of capital committed to facilities, as for other elements of cost, the clear determination of the procedure by which "actual" cost will later be measured can eliminate confusion as to the nature of the estimate. The parties may, of course, use any techniques which seem appropriate for agreeing on the numeric values to be included in contract cost estimates.

(3) *Compliance with Standard No. 401.* The Board has earlier promulgated a Standard (4 CFR 401) which requires that the practices used in pricing a proposal (estimating) shall be consistent with the cost accounting practices used in accumulating and reporting costs. One of the essential features of that Standard is the requirement that any significant element of cost in the estimate can be compared with the corresponding actual cost. A number of commentators have expressed concern about the applicability of that Standard to an imputed cost.

For the purposes of complying with Standard No. 401 the Board believes that any reasonable estimating technique which establishes the cost of money as a separate amount is acceptable. It is not necessary in estimating to follow precisely the procedures, including Form CASB–CMF, incorporated in the Standard.

D. Applicability

(1) *Use Rates.* Contractors are sometimes compensated for the use of facilities by means of "use rates" authorized under Government procurement policies. These rates may cover various elements of ownership costs, including depreciation. The March 5 publication contained a proposed exemption for situations where such use charges were included in contract costs. A number of commentators criticized that proposed exemption.

The Board does not intend to interfere with the process of establishing "use rates" nor is it prepared to define at this time the factors that should be taken into account when they are formulated. The Board believes that the cost of money is a valid economic cost, and that it is as relevant to a contractor employing a use rate as it is to one using depreciation. Existing schedules of use rates have presumably included appropriate consideration of all elements of the total cost to be considered in developing such rates. The proposed exemption for those covered by use charges is accordingly retained.

(2) *Existing Covered Contracts.* Many commentators urged revision of § 414.70 of the March 5 proposal to delete the exemption of contracts and subcontracts entered into prior to the effective date of the Standard. Such contracts were negotiated under the provisions of Government procurement regulations. In all such regulations, any interest costs incurred by the contractor have been specifically designated as unallowable costs. Furthermore, none of these regulations has recognized any imputed cost of capital committed to facilities. The agreement of the parties, embodied in such prior contracts, has necessarily been reached in light of the cost principles existing at the time the contracts were entered into. The Board therefore concludes that this Standard should not be applied to existing contracts and the Board has consequently retained the exemption in § 414.70.

E. Benefits and Costs

With respect to Cost Accounting Standards, the Board's primary goal is to issue clearly stated Standards to achieve (1) an increased degree of uniformity in accounting practices among Government contractors and (2) consistency in accounting treatment of costs by individual Government contractors. Increased uniformity and consistency are desirable to the extent that they improve understanding and communication.

Contract costs currently do not include any measurement of the cost of money, which is undeniably a cost related to contract performance. The result is that contract cost measurements have made no distinction between contracts with equal amounts of total incurred cost but with vast differences in amounts of facilities investment.

This Standard need have no impact in the aggregate prices paid by the Government but will reflect specific identifiable cost of money as an element of the cost of facilities capital in individual negotiated contracts. Previously, these costs presumably were reflected in nonidentifiable amounts in the profits or fees included in the total contract prices.

By reflecting specific costs of money attributable to contractor investments in facilities, this Standard will provide for greater consistency in negotiating total contract prices. The Board understands that procurement agencies expect to take this Standard into account in their current reconsideration of pricing policies. The Standard also will assist the procurement agencies to discriminate more effectively between contracts in which the cost of money is significant and those in which it is not.

The Nation's mobilization base depends on its facilities. These may be more effectively modernized because of the explicit cost recognition provided by this Standard, which will help to eliminate the existing disincentives which have hampered contractor investments in facilities. Also, to the extent that the Standard results in investment in cost-reducing equipment, the Government will be able to procure goods and services at lower prices.

Some commentators have suggested that the Board's issuance of Cost Accounting Standard No. 409 caused the need for recognition of this element of cost of facilities capital, and that the Standard being promulgated should be judged in that context. The Board does not agree. The Standard on depreciation was justified by the need for improved criteria with respect to depreciation expense identified with contract performance. Some critics of that Standard argued, in effect, that it should not have been promulgated because, even though it would improve depreciation accounting, there were economic costs not yet being recognized, and that improper depreciation could be justified as an acceptable technique for meeting the economic need. The Board was not and is not persuaded by such reasoning.

The Board has considered the administrative costs related to implementation of this Standard. The most significant potential problems mentioned by commentators were related to features of the proposal which have been modified in response to those comments. The Standard as promulgated today is not expected to involve any significant administrative difficulty, either for contractors or for the Government.

In summary, the Board finds that the benefits of this Standard, which are significant, outweigh the costs, including any inflationary impact.

F. MISCELLANEOUS

The Board expects that this Standard will become effective on October 1, 1976.

There is also being published today an amendment to Part 400, *Definitions*, to incorporate in that part terms defined in § 414.30(a) of this Cost Accounting Standard.

1. Section 400.1(a) is amended by inserting the following definitions alphabetically.

§ 400.1 Definitions.

(a) * * *

Cost of Capital Committed to Facilities. An imputed cost determined by applying a cost of money rate to facilities capital.

* * * * *

Facilities Capital. The net book value of tangible capital assets and of those intangible capital assets that are subject to amortization.

* * * * *

Intangible Capital Asset. An asset that has no physical substance, has more than minimal value, and is expected to be held by an enterprise for continued use or possession beyond the current accounting period for the benefits it yields.

* * * * *

(84 Stat. 796, Sec. 108 (50 USC App 2168).)

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2. Part 414 is adopted as set forth below:

Sec.
414.10 General applicability.
414.20 Purpose.
414.30 Definitions.
414.40 Fundamental requirement.
414.50 Technique for application.
414.60 Illustrations.
414.70 Exemptions.
414.80 Effective date.

AUTHORITY. Sec. 719 of the Defense Production Act of 1950, as amended, Pub. L. 91-379, 50 USC App. 2168.

§ 414.10 General applicability.

General applicability of this Cost Accounting Standard is established by § 331.30 of the Board's regulations on applicability, exemption, and waiver of the requirement to include the Cost Accounting Standards contract clause in negotiated defense prime contracts and subcontracts (4 CFR 331.30).

§ 414.20 Purpose.

The purpose of this Cost Accounting Standard is to establish criteria for the measurement and allocation of the cost of capital committed to facilities as an element of contract cost. Consistent application of these criteria will improve cost measurement by providing for allocation of cost of contractor investment in facilities capital to negotiated contracts.

§ 414.30 Definitions.

(a) The following definitions of terms which are prominent in this Standard are reprinted from Part 400 of this chapter for convenience. Other terms which are used in this Standard and are defined in Part 400 of this chapter have the meanings ascribed to them in that part unless the text demands a different definition or the definition is modified in paragraph (b) of this section:

(1) *Business Unit.* Any segment of an organization, or an entire business organization which is not divided into segments.

(2) *Cost of Capital Committed to Facilities.* An imputed cost determined by applying a cost of money rate to facilities capital.

(3) *Facilities Capital.* The net book value of tangible capital assets and of those intangible capital assets that are subject to amortization.

(4) *Intangible Capital Asset.* An asset that has no physical substance, has more than minimal value, and is expected to be held by an enterprise for continued use or possession beyond the current accounting period for the benefits it yields.

(5) *Tangible Capital Asset.* An asset that has physical substance, more than minimal value, and is expected to be held by an enterprise for continued use or possession beyond the current accounting period for the services it yields.

(b) The following modifications of definitions set forth in Part 400 of this chapter are applicable to this Standard: None.

§ 414.40 Fundamental requirement.

(a) A contractor's facilities capital shall be measured and allocated in accordance with the criteria set forth in this Standard. The allocated amount shall be used as a base to which a cost of money rate is applied.

(b) The cost of money rate shall be based on interest rates determined by the Secretary of the Treasury, pursuant to Pub. L. 92-41 (85 Stat. 97).

(c) The cost of capital committed to facilities shall be separately computed for each contract using facilities capital cost of money factors computed for each cost accounting period.

§ 414.50 Techniques for application.

(a) The investment base used in computing the cost of money for facilities capital shall be computed from accounting data used for contract cost purposes. The form and instructions stipulated in this Standard shall be used to make the computation.

(b) The cost of money rate for any cost accounting period shall be the arithmetic mean of the interest rates specified by the Secretary of the Treasury pursuant to Pub. L. 92-41 (85 Stat 97). Where the cost of money must be determined on a prospective basis the cost of money rate shall be based on the most recent available rate published by the Secretary of the Treasury.

(c) (1) A facilities capital cost of money factor shall be determined for each indirect cost pool to which a significant amount of facilities capital has been allocated and which is used to allocate indirect costs to final cost objectives.

(2) The facilities capital cost of money factor for an indirect cost pool shall be determined in accordance with Form CASB-CMF, and its instructions which are set forth in Appendix A. One form will serve for all the indirect cost pools of a business unit.

(3) For each CAS-covered contract, the applicable cost of capital committed to facilities for a given cost accounting period is the sum of the products obtained by multiplying the amount of allocation base units (such as direct labor hours, or dollars of total cost input) identified with the contract for the cost accounting period by the facilities capital cost of money factor for the corresponding indirect cost pool. In the case of process cost accounting systems the contracting parties may agree to substitute an appropriate statistical measure for the allocation base units identified with the contract.

§ 414.60 Illustrations.

The use of Form CASB–CMF and other computations anticipated for this Cost Accounting Standard are illustrated in Appendix B.

§ 414.70 Exemption.

(a) This Standard shall not apply to any prime contract or subcontract providing that (i) the date of award of such contract, or (ii) if the contractor has submitted cost or pricing data, the date of final agreement on price as shown on the contractor's signed certificate of current cost or pricing data, precedes the effective date of this Standard.

(b) This Standard shall not apply where compensation for the use of tangible capital assets is based on use rates or allowances such as provided by the provisions of Federal Management Circular 73–8 (Cost Principles for Educational Institutions), Federal Management Circular 74–4 (Principles for Determining Costs Applicable to Grants and Contracts with State and Local Governments), § 15.402–1(a) of the Armed Services Procurement Regulation, or other appropriate Federal procurement regulations.

§ 414.80 Effective date.

The effective date of this Cost Accounting Standard is [Reserved].

FORM CASB-CMF

APPENDIX A

FACILITIES CAPITAL
COST OF MONEY FACTORS COMPUTATION

CONTRACTORS BUSINESS UNIT				ADDRESS:				
COST ACCOUNTING PERIOD:		1. APPLICABLE COST OF MONEY RATE ____ %	2. ACCUMULATION & DIRECT DISTRIBUTION OF N.B.V.	3. ALLOCATION OF UNDISTRIBUTED	4. TOTAL NET BOOK VALUE	5. COST OF MONEY FOR THE COST ACCOUNTING PERIOD	6. ALLOCATION BASE FOR THE PERIOD	7. FACILITIES CAPITAL COST OF MONEY FACTORS
BUSINESS UNIT FACILITIES CAPITAL	RECORDED			BASIS OF ALLOCATION	COLUMNS 2 + 3	COLUMNS 1X4	IN UNITS OF MEASURE	COLUMNS 5 ÷ 6
	LEASED PROPERTY							
	CORPORATE OR GROUP							
	. TOTAL							
	UNDISTRIBUTED							
	DISTRIBUTED							
OVERHEAD POOLS								
G&A EXPENSE POOLS								
. TOTAL							//////////	//////////

APPENDIX A

INSTRUCTIONS FOR FORM CASB–CMF

Purpose

The purpose of this form is to (a) accumulate total facilities capital net book values allocated to each business unit for the contractor cost accounting period and (b) convert those values to facilities capital cost of money factors applicable to each overhead or G&A expense allocation base employed within a business unit.

Basis

All data pertain to the cost accounting period for which the contractor prepares overhead and G&A expense allocations. The cost of money computations should be compatible with those allocation procedures. More specifically, facilities capital values used should be the same values that are used to generate depreciation or amortization that is allowed for Federal Government contract costing purposes; land which is integral to the regular operation of the business unit shall be included.

Applicable Cost of Money Rate (Col. 1)

Enter here the rate as computed in accordance with § 414.50(b).

Accumulation and Direct Distribution of Net Book Value (Col. 2)

Recorded, Leased Property, Corporate.—The net book value of facilities capital items in this column shall represent the average balances outstanding during the cost accounting period. This applies both to items that are subject to periodic depreciation or amortization and also to such items as land that are not subject to periodic write-offs. Unless there is a major fluctuation, it will be adequate to ascertain the net book of these assets at the beginning and end of each cost accounting period, and to compute an average of those two sets of figures. "Recorded" facilities are the facilities capital items owned by the contractor, carried on the books of the business unit and used in its regular business activity. "Leased property" is the capitalized value of leases for which constructive costs of ownership are allowed in lieu of rental costs under Government procurement regulations. Corporate or group facilities are the business unit's allocable share of corporate-owned and leased facilities. The net book value of items of facilities capital which are held or controlled by the home office shall be allocated to the business unit on a basis consistent with the home office expense allocation.

Distributed and Undistributed.—All facilities capital items that are identified in the contractor's records as solely applicable to an organizational unit corresponding to a specific overhead, G&A or other indirect cost pool which is used to allocate indirect costs to final cost objectives, are listed against the applicable pools and are classified as "distributed." "Undistributed" is the remainder of the business unit's facilities capital. The sum of "distributed" and "undistributed" must also correspond to the amount shown on the "total" line.

Allocation of Distributed.—List in the narrative column all the overhead and G&A expense pools to which "distributed" facilities capital items have been allocated. Enter the corresponding amounts in (Col. 2). The sum of all the amounts shown against specific overhead and G&A expense pools must correspond to the amount shown in the "distributed" line.

Allocation of Undistributed (Col. 3)

Business unit "undistributed" facilities are allocated to overhead and the G&A expense pools on any reasonable basis that approximates the actual absorption of depreciation or amortization of such facilities. For instance, the basis of allocation of undistributed assets in each business unit between, e.g., engineering overhead pool and the manufacturing overhead pool, should be related to the manner in which the expenses generated by these assets are allocated between the two overhead pools. Detailed analysis of this allocation is not required where essentially the same results can be obtained by other means. Where the cost accounting system for purposes of Government contract costing uses more than one "charging rate" for allocating indirect costs accumulated in a single cost pool, one representative base may be substituted for the multiplicity of bases used in the allocation process. The net book value of service center facilities capital items appropriately allocated should be included in this column. The sum of the entries in Column 3 is equal to the entry in the undistributed line, Column 2.

A supporting work sheet of this allocation should be prepared if there is more than one service center or other similar "intermediate" cost objective involved in the reallocation process.

Alternative Allocation Process—As an alternative to the above allocation process all the undistributed assets for one or more service centers or similar intermediate cost objectives may be allocated to the G&A expense pool. Consequently, the cost of money for these undistributed assets will be distributed to the final cost objectives on the same basis that is used to allocate G&A expense. This procedure may be adopted for any cost accounting period only when the contracting parties agree (a) that the depreciation or amortization generated by these undistributed assets is immaterial or (b) that the results of this alternative procedure are not likely to differ materially from those which would be obtained under the "regular" allocation process described previously.

Total Net Book Value (Col. 4)

The sum of Columns 2 and 3. The total of this column should agree with the business unit's total shown in Column 2.

Cost of Money for the Cost Accounting Period (Col. 5)

Multiply the amounts in Column 4 by the percentage rate in Column 1.

Allocation Base for the Period (Col. 6)

Show here the total units of measure used to allocate overhead and G&A expense pools

(e.g., direct labor dollars, machine hours, total cost input, etc.). Include service centers that make charges to final cost objectives. Each base unit-of-measure must be compatible with the bases used for applying overhead in the Federal Government contract cost computation.

The total base unit of measure used for allocation in this column refers to all work done in an organizational unit associated with the indirect cost pool and not to Government work alone.

Facilities Capital Cost of Money Factors (Col. 7)

The quotients of cost of money for the cost accounting period (Col. 5) separately divided by the corresponding overhead or G&A expense allocation bases (Col. 6). Carry each computation to five decimal places. This factor represents the cost of money applicable to facilities capital allocated to each unit of measure of the overhead or G&A expense allocation base.

APPENDIX B

EXAMPLE.—ABC CORPORATION

ABC Corporation has a home office that controls three operating divisions (Business Units A, B & C). The home office includes an administrative computer center whose costs are allocated separately to the business units. The separate allocation conforms to the requirements specified in the Cost Accounting Standard No. 403. Tables I through VI deal with home office expense allocations to business units.

The A Division is a business unit as defined by the CASB, and it uses one engineering and one manufacturing overhead pool to accumulate costs for charging overhead to final cost objectives. In addition the indirect cost allocation process also uses two "service centers" with their own indirect cost pools: occupancy and technical computer center.

The costs accumulated in the occupancy pool are allocated among manufacturing overhead, engineering overhead, and the technical computer center on the basis of floor space occupied. The costs accumulated in the technical computer center cost pool are allocated to users on the basis of a CPU hourly rate. Some of these allocations are made to engineering or manufacturing overhead while others are allocated direct to final cost objectives.

At the business unit level, all the indirect expense incurred is regarded either as an engineering or manufacturing expense. Thus the sole item that enters into the business unit G&A expense pool is the allocation received by the A Division from the home office.

Operating results for the A Division are given in Table VII. Facilities capital items for the division are given in Table IX.

The example is based on a single set of illustrative contract cost data given in Table VIII. Since two methods, the "regular" and the "alternative" method, are potentially available for computing cost of money on facilities capital items two sets of different results can be considered.

In addition, total cost input is used in the example as the allocation base for the G&A expense. Two variations of this example have been prepared to illustrate the impact of excluding or including cost of money from total cost input. Variation I, summarized in Table XIII, excludes cost of money from the cost input allocation base. Variation II, summarized in Tables XVII and XVIII, includes cost of money in the cost input allocation base.

Throughout the example, where appropriate, cross references have been made to the text of the relevant parts of the Standard.

VARIATION I.—TOTAL COST INPUT ALLOCATION BASE EXCLUDES COST OF MONEY

TABLE I.—*Net book value of home office facilities capital*

	Dec. 31, 1974	Dec. 31, 1975
Administrative computer center facilities capital	$550,000	$450,000
Other home office facilities capital	420,000	380,000
Total	970,000	830,000

The assets in the above table generate allowable depreciation or amortization, as explained in Instructions for Form CASB-CMF (Basis). Thus they should be included in the asset base for cost of money computation.

TABLE II.—*Home office facilities capital annual average balances*

Administrative computer center facilities capital	$500,000
Other home office facilities capital	400,000
Total	900,000

The above averages are based on data in Table I computed in accordance with the criteria in Instructions for Form CASB-CMF (Recorded, Leased Property, Corporate).

$970,000+$830,000=$1,800,000÷2=$900,000

TABLE III.—*Home office depreciation and amortization for 1976*

Administrative computer center facilities capital	$100,000
Other home office facilities capital	40,000
Total	140,000

TABLE IV.—*Allocation of ABC home office expenses to divisions (business units)*

	Total expense	Allocation to business units		
		A	B	C
Administrative computer center	$1,800,000	$900,000	$900,000	
Other home office	4,800,000	2,400,000	1,200,000	$1,200,000
Total	6,600,000	3,300,000	2,100,000	1,200,000

The above allocation is carried out in accordance with 4 CFR Part 403. The expense allocated to individual business units above includes depreciation and amortization as reflected in Table V.

TABLE V.—*Depreciation and amortization component of ABC home office expense*

	Total depreciation and amortization expense	Allocation to business units		
		A	B	C
Administrative computer center	$100,000	$50,000	$50,000	
Other home office	40,000	20,000	10,000	$10,000
Total	140,000	70,000	60,000	10,000

TABLE VI.—*Allocation of home office facilities capital to business units*

(a) Depreciation and amortization allocation in Table V converted to percentages.

	Total depreciation and amortization expense (in percent)	Allocation to business units (in percent)		
		A	B	C
Administrative computer center	100	50	50	
Other home office	100	50	25	25

(b) Application of percentages in (a) to average net book values in Table II, in accordance with criteria in Instructions for Form CASB-CMF (Recorded, Leased Property, Corporate).

	Total net book value	Allocation to business units		
		A	B	C
Administrative computer center facilities capital	$500,000	$250,000	$250,000	
Other home office facilities capital	400,000	200,000	100,000	$100,000
Total	900,000	450,000	350,000	100,000

TABLE V.—*"A" division 1975 operating results*

	Total cost input and G. & A.	Fixed price, CAS-covered contracts	Cost reimbursement, CAS-covered contracts	Commercial and other work
Direct material:				
Purchased parts	$2,000,000	$100,000	$100,000	$1,800,000
Subcontract items	21,530,000	11,750,000	7,205,000	2,575,000
Total	23,530,000	11,850,000	7,305,000	4,375,000
Direct labor and overhead:				
Engineering labor	2,000,000	1,500,000	500,000	
Engineering overhead (80 pct of direct engineering labor)	1,600,000	1,200,000	400,000	
Manufacturing labor	3,000,000	1,200,000	200,000	1,600,000
Manufacturing overhead (200 pct of direct management labor)	6,000,000	2,400,000	400,000	3,200,000
Other direct charges:				
Technical computer center direct charge—2,280 h at $250/h	570,000	200,000	370,000	
Total cost input (excluding cost of money)	36,700,000	18,350,000	9,175,000	9,175,000
G. & A. (8.99 pct of cost input)	3,300,000	1,650,000	825,000	825,000
Total	40,000,000	20,000,000	10,000,000	10,000,000

TABLE VIII.—*Cost data for the contract*

Purchased parts	$85,000
Subcontract items	990,000
Technical computer time 280 h at $250/h	70,000
Engineering labor	330,000
Engineering overhead at 80 pct	264,000
Manufacturing labor	1,210,000
Manufacturing overhead at 200 pct	2,420,000
Total cost input (excluding cost of money)	5,369,000
G. & A. at 8.99 pct	483,000
Total cost input and G. & A. (excluding cost of money)	5,852,000

TABLE IX.—*Division A facilities capital*

Average net book values are computed in accordance with Instructions to Form CASB-CMF. Average figures only are given, the underlying beginning and ending balances for 1975 have not been reproduced.

Name of indirect cost pool the asset is associated with	Average net book value	Annual depreciation
Engineering overhead	$320,000	$40,000
Manufacturing overhead	4,500,000	900,000
Technical computer center	450,000	90,000
Occupancy	3,000,000	200,000
Facilities capital recorded by division A (see form CASB-CMF instructions for description of recorded)	8,270,000	1,230,000
Allocated from home office, table VI	450,000	
Total division A	8,720,000	

TABLE X.—*Allocation of undistributed facilities capital*

(a) *Occupancy Pool Assets.* Total occupancy pool expenses are assumed to be $1,000,000 of which $200,000 is depreciation per Table IX. Allocation of the $3,000,000 net book value of assets per Table IX is performed on the basis of floor space utilization.

Indirect cost pool	Occupancy expense and depreciation allocation	Percent of total floor space utilized	Asset allocation
Engineering	$200,000	20	$600,000
Manufacturing	750,000	75	2,250,000
Technical computer	50,000	5	150,000
Total	$1,000,000	100	$3,000,000

(b) *Technical Computer Center Assets.* Total technical computer center expenses for the year are assumed to be $770,000 including $90,000 depreciation per Table IX and $50,000 charge from the occupancy pool per (a) above. A charging rate of $250 per hour is computed assuming a total of 3,080 chargeable CPU hours per annum. The net book value of assets amounting to $600,000 [$450,000 per Table IX plus the $150,000 allocated per (a) above] is allocated on the basis of CPU hours utilized.

TABLE X.—*Allocation of undistributed facilities capital*—Continued

Overhead pool or cost objective	Hours charged	Amount charged	Percent	Asset allocation
Fixed price contracts, table VII	800	$200,000	26	$156,000
Cost reimbursement contracts, table VII	1,480	370,000	48	288,000
Engineering overhead pool	800	200,000	26	156,000
Total	3,080	770,000	100	600,000

(c) *Summary of Undistributed Facilities Capital Allocation.* Undistributed (per Table IX).

Technical computer center	$450,000
Occupancy	3,000,000
Total	3,450,000

Distribution per (a) or (b) above of balances to overhead pools that result in charges direct to final cost objectives.

Overhead pool	(a)	(b)	Total
Engineering	$600,000	$156,000	$756,000
Manufacturing	2,250,000		2,250,000
Technical computer center (direct charge to contracts)		444,000	444,000
Total	2,850,000	600,000	3,450,000

FORM CASB-CMF

TABLE XI

FACILITIES CAPITAL
COST OF MONEY FACTORS COMPUTATION
("Regular" Method - Cost of Money - Excluded from Total Cost Input)

CONTRACTOR: ABC Corp.
BUSINESS UNIT: A Division
ADDRESS:

COST ACCOUNTING PERIOD: Y.E. 12/31/75		1. APPLICABLE COST OF MONEY RATE 0 %	2. ACCUMULATION & DIRECT DISTRIBUTION OF N.B.V.	3. ALLOCATION OF UNDISTRIBUTED	4. TOTAL NET BOOK VALUE	5. COST OF MONEY FOR THE COST ACCOUNTING PERIOD	6. ALLOCATION BASE FOR THE PERIOD	7. FACILITIES CAPITAL COST OF MONEY FACTORS
BUSINESS UNIT FACILITIES CAPITAL	RECORDED Table IX		8,270,000	BASIS OF ALLOCATION	COLUMNS 2 & 3	COLUMNS 1X4	IN UNIT(S) OF MEASURE	COLUMNS 5÷6
	LEASED PROPERTY							
	CORPORATE OR GROUP Table VI		450,000	Worksheet Table X			Table VII	
	TOTAL		8,720,000					
	UNDISTRIBUTED		3,450,000					
	DISTRIBUTED		5,270,000					
OVERHEAD POOLS	Engineering Table IX		320,000	756,000	1,076,000	86,080	$2,000,000	.04304
	Manufacturing Table IX		4,500,000	2,250,000	6,750,000	540,000	$3,000,000	.18
	Technical Computer			444,000	444,000	35,520	2,280 hr	15.57895
G&A EXPENSE POOLS	G&A Expense Table VI		450,000		450,000	36,000	$36,700,000	.00098
TOTAL			5,270,000	3,450,000	8,720,000	697,600	//////////	//////////

FORM CASB-CMF

TABLE XII

FACILITIES CAPITAL
COST OF MONEY FACTORS COMPUTATION
("Alternative" Method - Cost of Money
Excluded from Total Cost Input)

CONTRACTOR: ABC Corp.
BUSINESS UNIT: A Division
SEGMENT:

COST ACCOUNTING PERIOD: Y.E. 12/31/75		1. APPLICABLE COST OF MONEY RATE 8 %	2. ACCUMULATION & DIRECT DISTRIBUTION OF N.B.V.	3. ALLOCATION OF UNDISTRIBUTED	4. TOTAL NET BOOK VALUE	5. COST OF MONEY FOR THE COST ACCOUNTING PERIOD	6. ALLOCATION BASE FOR THE PERIOD	7. FACILITIES CAPITAL COST OF MONEY FACTORS
BUSINESS UNIT FACILITIES CAPITAL	RECORDED	Table IX	8,270,000	BASIS OF ALLOCATION	COLUMNS 2 + 3	COLUMNS 1X4	IN UNITS OF MEASURE	COLUMNS 5 ÷ 6
	LEASED PROPERTY							
	CORPORATE OR GROUP	Table VI	450,000	All to G&A Expense Pool			Table VII	
	TOTAL		8,720,000					
	UNDISTRIBUTED		3,450,000					
	DISTRIBUTED		5,270,000					
OVERHEAD POOLS	Engineering	Table IX	320,000		320,000	25,600	$2,000,000	.0128
	Manufacturing	Table IX	4,500,000		4,500,000	360,000	$3,000,000	.12
G&A EXPENSE POOLS	G&A Expense	Table VI	450,000	3,450,000	3,900,000	312,000	$36,700,000	.00850
TOTAL			5,270,000	3,450,000	8,720,000	697,600	//////////	//////////

TABLE XIII.—*Summary of cost of money computation on facilities capital (cost of money excluded from total cost input)*

Allocation base	Allocated to contract table VIII	Computation using regular facilities capital cost of money factor, table XI	Amount	Computation using alternative facilities capital, cost of money factor, table XII	Amount
Engineering labor	$330,000	0.04304	$14,203	0.0128	$4,224
Manufacturing labor	$1,210,000	.18	217,800	.12	145,200
Technical computer time	[1] 280	15.57895	4,363		
Cost input	$5,369,000	.00098	5,261	.00850	45,636
Total cost of money on facilities capital			241,626		195,060

[1] Hours.

VARIATION II. TOTAL COST INPUT ALLOCATION BASE INCLUDES COST OF MONEY

TABLE XIV.—*Recomputation of "A" division total cost input to reflect inclusion of cost of money*

(a) Regular method:	
Total cost input per table VII	$36,700,000
Cost of money applicable to facilities capital identified with overhead pools per subtotal in column 5, table XV	661,000
Total cost input including cost of money	37,361,000
(b) Alternative method:	
Total cost input per table VII	36,700,000
Cost of money applicable to facilities capital identified with overhead pools per subtotal in column 5, table XVI	385,000
Total cost input including cost of money	37,085,000

FORM CASB-CMF-1

TABLE XV

FACILITIES CAPITAL
COST OF MONEY FACTORS COMPUTATION
("Regular" Method - Cost of Money Included in Total Cost Input)

CONTRACTOR: ABC Corp.
BUSINESS UNIT: A Division
ADDRESS:

COST ACCOUNTING PERIOD: Y.E. 12/31/75		1. APPLICABLE COST OF MONEY RATE 8 %	2. ACCUMULATION & DIRECT DISTRIBUTION OF N.B.V.	3. ALLOCATION OF UNDISTRIBUTED	4. TOTAL NET BOOK VALUE	5. COST OF MONEY FOR THE COST ACCOUNTING PERIOD	6. ALLOCATION BASE FOR THE PERIOD	7. FACILITIES CAPITAL COST OF MONEY FACTORS
				BASIS OF ALLOCATION	COLUMNS 2 + 3	COLUMNS 1 × 4	IN UNITS OF MEASURE	COLUMNS 5 ÷ 6
BUSINESS UNIT FACILITIES CAPITAL	RECORDED Table IX		8,270,000					
	LEASED PROPERTY							
	CORPORATE OR GROUP Table VI		450,000					
	TOTAL		8,720,000	Worksheet Table X				
	UNDISTRIBUTED		3,450,000				Table VII & Table XIV	
	DISTRIBUTED		5,270,000					
OVERHEAD POOLS	Engineering Table IX		320,000	756,000	1,076,000	88,080	$2,000,000	.04304
	Manufacturing Table IX		4,500,000	2,250,000	6,750,000	540,000	$3,000,000	.18
	Technical Computer			444,000	444,000	35,520	2,280 hr	15.57895
	Subtotal: Cost of Money to be included in Total Cost Input					661,600		
G&A EXPENSE POOLS	G&A Expense Table VI		450,000		450,000	36,000	$37,361,600	.00096
TOTAL			5,270,000	3,450,000	8,720,000	697,600	//////////	//////////

FORM CASB-CMF

TABLE XVI

FACILITIES CAPITAL
COST OF MONEY FACTORS COMPUTATION
("Alternative" Method - Cost of Money Included in Total Cost Input)

CONTRACTOR: ABC Corp.
BUSINESS UNIT: A Division
ADDRESS:

COST ACCOUNTING PERIOD: Y.E. 12/31/75		1. APPLICABLE COST OF MONEY RATE 8 %	2. ACCUMULATION & DIRECT DISTRIBUTION OF N.B.V.	3. ALLOCATION OF UNDISTRIBUTED	4. TOTAL NET BOOK VALUE	5. COST OF MONEY FOR THE COST ACCOUNTING PERIOD	6. ALLOCATION BASE FOR THE PERIOD	7. FACILITIES CAPITAL COST OF MONEY FACTORS
				BASIS OF ALLOCATION	COLUMNS 2 + 3	COLUMNS 1 × 4	IN UNITS OF MEASURE	COLUMNS 5 ÷ 6
BUSINESS UNIT FACILITIES CAPITAL	RECORDED Table IX		8,270,000					
	LEASED PROPERTY							
	CORPORATE OR GROUP Table VI		450,000	All to G&A Expense Pool				
	TOTAL		8,720,000				Table VII & Table XIV	
	UNDISTRIBUTED		3,450,000					
	DISTRIBUTED		5,270,000					
OVERHEAD POOLS	Engineering Table IX		320,000		320,000	25,600	$2,000,000	.0128
	Manufacturing Table IX		4,500,000		4,500,000	360,000	$3,000,000	.12
	Subtotal: Cost of Money to be included in Total Cost Input					385,600		
G&A EXPENSE POOLS	G&A Expense Table VI		450,000	3,450,000	3,900,000	312,000	$37,985,600	.00821
TOTAL			5,270,000	3,450,000	8,720,000	697,600	//////////	//////////

TABLE XVII.—*Summary of cost of money computation on facilities capital (cost of money included in total cost input—regular method)*

Allocation base	Allocated to contract, table VIII	Computation using regular facilities, capital cost of money factor, table XV	Amount
Engineering labor	$330,000	0.04304	$14,203
Manufacturing labor	$1,210,000	.18	217,800
Technical computer time	[1] 280	15.57895	4,362
Cost of money related to overheads			236,365
Cost of money above to be included in cost input	$236,365		
Cost input, table VIII	$5,369,000		
Cost input including cost of money	$5,605,365	.00096	5,381
Total cost of money on facilities capital			241,746

[1] Hours.

TABLE XVIII.—*Summary of cost of money computation on facilities capital (cost of money included in total cost input—alternative method)*

Allocation base	Allocated to contract, table VIII	Computation using alternative facilities, capital cost of money factor, table XVI	Amount
Engineering labor	$330,000	0.0128	$4,224
Manufacturing labor	1,210,000	.12	145,200
Cost of money related to overheads			149,424
Cost of money above to be included in cost input	$149,424		
Cost input, table VIII	5,369,000		
Cost input including cost of money	$5,518,424	.00841	46,410
Total cost of money on facilities capital			195,834

ARTHUR SCHOENHAUT,
Executive Secretary.

[FR Doc.76-15736 Filed 6-1-76;8:45 am]

Title 7—Agriculture

CHAPTER IV—FEDERAL CROP INSURANCE CORPORATION, DEPARTMENT OF AGRICULTURE

[Amdt. No. 75]

PART 401—FEDERAL CROP INSURANCE

Regulations for the 1969 and Succeeding Crop Years

SUGARCANE

Pursuant to the authority contained in the Federal Crop Insurance Act, as amended, § 401.135 of the Federal Crop Insurance Regulations contained in 7 CFR Part 401, is amended effective beginning with the 1977 crop year in the following respects:

1. Section 5(a) is amended to read as follows:

5. *Claims for loss.* (a) Any claim for loss on an insurance unit (hereinafter called "unit") must be submitted to the Corporation on a form prescribed by the Corporation, no later than 60 days after the time of loss. The Corporation reserves the right to provide additional time if it determines that circumstances beyond the control of either party prevent compliance with this provision.

2. Section 5(f), in the fourth line thereof, strike the word "harvested" immediately after the word "any", and immediately before the word "sugarcane".

3. Section 8 "Annual Premium." Strike this entire section.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

The above amendment will more clearly define the meaning of time allowable for filing a claim for loss. The proposed amendment will also eliminate the word "harvested" from that portion of section 5(f) inasmuch as the current language refers to sugarcane production to be counted which has been damaged by freeze occurring during the insurance period. It may not be economically feasible to harvest such freeze damaged sugarcane which may have no value. It is desirable that section 5(f) be made applicable not only to harvested, but unharvested sugarcane, and this will be accomplished by removing the word "harvested" from the endorsement.

In section 8 of the current sugarcane endorsement, provisions are made whereby premium discounts shall not be applicable if at any time the cumulative indemnities paid exceed the cumulative premiums earned, and shall remain inapplicable until the cumulative earned premiums equal or exceed the cumulative indemnities. A similar provision has been incorporated into the Standard Policy by Amendment No. 73 to the Federal Crop Insurance Regulations for the 1969 and Succeeding Crop Years which amends section 6 of § 401.111 of 7 CFR, Part 401 (41 FR 5105–5106, February 4, 1976), making section 8 of the current sugarcane endorsement no longer necessary. The rules herein do not fall within the criteria set forth in the Department of Agriculture's interim guidelines relating to the Inflationary Impact Statement required by the Office of Management and Budget Circular A–107.

The proposed amendment contains no substantive changes which would adversely affect the policyholders. It is desirable that the proposed amendment become effective with the 1977 crop year, and notice of changes must be placed on file by July 15, 1976. In addition, applications for sugarcane crop insurance for the 1977 crop year are now being accepted, and considerable administrative work must be accomplished to notify existing policyholders of the new provisions of the sugarcane endorsement. In view of the above, the Board of Directors found that it would be impracticable, unnecessary, and contrary to the public interest to follow the procedure for notice and public participation prescribed by 5 U.S.C. 553 (b) and (c), as directed by the Secretary of Agriculture in a Statement of Policy, executed July 20, 1971 (36 FR 13804), prior to its adoption.

Accordingly, said amendment was adopted by the Board of Directors on May 12, 1976.

[SEAL] PETER F. COLE,
Secretary, Federal Crop Insurance Corporation.

Approved on May 27, 1976.

EARL L. BUTZ,
Secretary.

[FR Doc.76-16003 Filed 6-1-76;8:45 am]

[Amdt. No. 74]

PART 401—FEDERAL CROP INSURANCE

Regulations for the 1969 and Succeeding Crop Years

SUGAR BEET ENDORSEMENT (APPLICABLE ONLY IN ARIZONA AND CALIFORNIA)

Pursuant to the authority contained in the Federal Crop Insurance Act, as amended, § 401.149 of the Federal Crop Insurance Regulations contained in 7 CFR, Part 401, is revised effective beginning with the 1977 crop year to read as follows:

§ 401.149 The Sugar Beet Endorsement (Applicable only in Arizona and California) for the 1977 and Succeeding Crop Years.

The provisions of the Sugar Beet Endorsement (Applicable only in Arizona and California) for the 1977 and Succeeding Crop Years are as follows:

1. *Insured crop.* The crop insured shall be sugar beets grown under a contract with a processor for processing as sugar. Item (1) of the second sentence of subsection 2(c) of the policy shall not be applicable to sugar beets.

Insurance shall not attach or be considered to have attached to any acreage (1) excluded from the processor contract for, or during, the crop year, and (2) unless otherwise provided on the county actuarial table, planted to sugar beets the two preceding crop years.

2. *Production guarantees.* The applicable production guarantees in tons per acre shall be those shown on the county actuarial table (hereinafter called "actuarial table") and are progressive as follows:

(1) *The First Stage*—from planting until thinning or 90 days after planting, whichever occurs first, and to any acreage that the Corporation determines was damaged in this stage to the extent that growers in the area usually would not further care for the crop.

(2) *The Second Stage*—from thinning or the 91st day after planting, whichever occurs first, until 15 percent of the per acre production guarantee for the third stage has been harvested.

(3) *The Third Stage*—after 15 percent of the per acre production guarantee for this stage has been harvested.

The stage of production applicable in any case shall not be determined to be the same for an entire insurance unit unless the entire unit meets the requirements for the same stage. When the entire unit does not meet the requirements for the same stage, the stages of production shall be determined for the various portions of the unit.

3. *Acreage insured.* Notwithstanding the provisions of section 2 of the policy, upon acceptance by the Corporation of an application for sugar beet insurance the acreage insured shall be (a) all insurable acreage planted after the filing of the application and (b) any acreage planted before the filing of the application, or reinstatement request, that is inspected by the Corporation after a normal stand had been obtained and designated in writing as approved by the Corporation for insurance for the crop year.

4. *Insurance Period.* Insurance on any insured acreage shall attach or be considered to have attached at the time the sugar beets are planted and shall cease upon the earlier of (a) harvesting or (b) July 15 for Arizona and Imperial County, California or the last day of the 12th calendar month after planting of the acreage for all other counties, unless a written request from the insured for an extension of the insurance period is received prior to such date and is approved by the Corporation.

5. *Claims for loss.* (a) Any claim for loss on an insurance unit (hereinafter called "unit") must be submitted to the Corporation, on a form prescribed by the Corporation, within 60 days after the time of loss. The Corporation reserves the right to provide additional time if it determines that circumstances beyond the control of either party prevent compliance with this provision.

(b) It is the responsibility of the insured to provide complete information of all production from the unit, to establish that the loss claimed was caused during the insurance period by one or more of the hazards insured against, and to furnish such other information about the loss as may be required by the Corporation.

(c) Losses shall be determined separately for each unit. The amount of loss with respect to any unit shall be determined by (1) multiplying the insured acreage of sugar beets on the unit by the applicable production guarantee per acre; which product shall be the production guarantee for the unit, (2) subtracting therefrom the total production to be counted for the unit, (3) multiplying the remainder by the applicable price for computing indemnities, and (4) multiplying the product obtained in (3) by the insured interest: *Provided*, That if for the unit the insured fails to report all of his insurable acreage or interest, the amount of loss shall be determined with respect to all of his insurable acreage and interest, but in such cases or otherwise, if the premium computed on the basis of the insurable acreage and interest exceeds the premium on the reported acreage and interest, or the acreage and interest when determined by the Corporation under section 3 of the policy, the amount of loss shall be reduced proportionately.

The total production to be counted for a unit shall be determined by the Corporation and, subject to provisions hereinafter, shall include all harvested production and any appraisals made by the Corporation for unharvested or potential production, poor farming practices, uninsured causes of loss, or for acreage abandoned or put to another use without the consent of the Corporation: *Provided*, That for unharvested acreage or acreage not qualifying for the third stage production guarantee only the amount of appraised and harvested production in excess of the difference between the third stage production guarantee and the production guarantee applicable to such acreage shall be counted except that for acreage abandoned, put to another use without prior written consent of the Corporation, or damaged solely by an uninsured cause, not less than the applicable production guarantee shall be counted.

(d) Any harvested production of sugar beets shall be adjusted by the factor (rounded to three decimal places) obtained by dividing the average percentage of sugar in the sugar beets, as determined from individual tests made at the time of delivery to the processor, by the percentage of sugar shown on the actuarial table: *Provided, however*, That if individual tests of sugar content are not made by the processor at the time of delivery of the sugar beets, the factor to be used shall be 1.000: *Provided, further*, That for harvested sugar beets which are not acceptable under the contract with a processor due to an insurable cause of loss occurring within the insurance period, the Corporation will determine the production to be counted by dividing the value of the beets, as determined by the Corporation, by the value of undamaged beets containing the percentage of sugar shown on the actuarial table and multiplying the result obtained by the tons of beets harvested: *Provided, further*, That any Corporation appraisals made pursuant to the second paragraph of section 5(c) shall be the tons appraised with no adjustment for quality.

6. *Cancellation and termination for indebtedness dates.* That portion of item (1) of section 13(b) of the policy which reads, "other than the premium due on a crop normally harvested in the calendar year in which the termination date for indebtedness for that crop occurs," shall not be applicable with respect to sugar beet crop insurance in any county in Arizona or California.

The cancellation date shall be July 15, for all counties, preceding the beginning of the crop year for which such cancellation becomes effective.

The termination date for indebtedness shall be the August 31 preceding the beginning of the crop year for Arizona and Imperial County, California and for all other counties shall be the date the insured begins planting for the next crop year unless prior to such date the insured has made arrangements satisfactory to the Corporation for payment of the premium owed the Corporation.

7. *Meaning of terms.* (a) "Harvest" means the lifting and topping of the sugar beets for the purpose of delivery to a processor.

(b) "Crop years", notwithstanding section 19(c) of the policy, shall be the period from planting until the applicable date for the end of the insurance period and shall be designated by reference to the calendar year in which planted if planted by July 15, and if planted after July 15, by reference to the next calendar year.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

The foregoing amendment provides for a few minor and non-substantive changes to the Sugar Beet Endorsement to include the addition of Arizona to those states where sugar beet crop insurance is currently being offered to provide for future expansion into that state, to make the contractual language more consistent and correct in section 5, to include Arizona in section 6 of the endorsement, and to change the cancellation date in the second paragraph thereof from June 15 to July 15 in order to conform to the normal pattern of farming practices. Section 7 of the current endorsement has been eliminated, since this section, dealing with Annual Premium is now provided for in the Standard Policy, whose revision was approved by the Board of Directors at a recent meeting, and in the final section of the endorsement, to change the crop year date to coincide with the cancellation date, from June 15 to July 15.

The rules herein do not fall within the criteria set forth in the Department of Agriculture's interim guidelines relating to the Inflationary Impact Statement required by the Office of Management and Budget Circular A–107.

It is desirable that this amendment be made effective with the 1977 crop year. Notice of changes must be given to insureds on or before June 15, 1976. It would therefore be impossible to follow both the procedure for notice and public participation prescribed by 5 U.S.C. 553 (b) and (c) prior to the adoption of this amendment and to comply with the contractual provisions with respect to filing such changes before June 15, 1976. Under the circumstances, the Board of Directors found that it would be impracticable and contrary to the public interest to follow the procedure for notice and public participation prescribed by 5 U.S.C. (b) and (c), as directed by the Secretary of Agriculture in a Statement of Policy, executed July 20, 1971 (36 FR 13804), prior to its adoption.

Accordingly, said amendment was adopted by the Board of Directors on May 12, 1976.

[SEAL] PETER F. COLE,
Secretary, Federal Crop Insurance Corporation.

Approved on May 27, 1976.
EARL L. BUTZ,
Secretary.

[FR Doc.76-16004 Filed 6-1-76;8:45 am]

PART 402—RAISIN CROP INSURANCE

Regulations for the 1976 and Succeeding Crop Years

Pursuant to the authority contained in the Federal Crop Insurance Act, as amended, the Raisin Crop Insurance Regulations for the 1966 and Succeeding Crop Years, as amended, are hereby amended for the 1976 and Succeeding Crop Years as set forth below. The provisions of this subpart shall apply, until amended or superseded, to all continuous raisin crop insurance contracts as they relate to the 1976 and Succeeding Crop Years.

Sec.
402.1 Availability of raisin crop insurance.
402.2 Premium rates and amounts of insurance.
402.3 Application for insurance.
402.4 Public notice of indemnities paid.

Sec.
402.5 Creditors.
402.6 The Application and policy.

AUTHORITY: Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; (7 U.S.C. 1506, 1516).

§ 402.1 Availability of raisin crop insurance.

Raisin crop insurance shall be offered for the 1976 and Succeeding Crop Years under the provisions of § 402.1 through § 402.6 in counties in California within limits prescribed by and in accordance with the provisions of the Federal Crop Insurance Act, as amended. The counties shall be designated by the Manager of the Corporation from a list of counties approved by the Board of Directors of the Corporation for raisin crop insurance. The counties designated by the Manager shall be published by appendix to this section.

§ 402.2 Premium rates and amounts of insurance.

The Manager shall establish premium rates and the amounts of insurance per ton which shall be shown on the county actuarial table on file in the office for the county. Such premium rates and amount of insurance may be changed from year to year.

§ 402.3 Application for insurance.

The application for insurance, provided for in § 402.6 of this chapter, shall be submitted to the office for the county for the Corporation on or before the July 31 of the first crop year for which insurance is to be in effect, or such earlier day as may be established by the Corporation for any county in any year upon its determination that the insurance risk involved is excessive.

§ 402.4 Public notice of indemnities paid.

The Corporation shall provide for posting annually in each county at the county courthouse a listing of the indemnities paid in the county.

§ 402.5 Creditors.

An interest of a person other than the insured in an insured crop existing by virtue of a lien, mortgage, garnishment, levy, execution, bankruptcy, or any involuntary transfer shall not entitle the holder of the interest to any benefit under the contract other than as provided in the application and policy set forth in § 402.6.

§ 402.6 The application and policy.

The provisions of the Application and Policy for Raisin Crop Insurance for the 1976 and Succeeding Crop Years are as follows:

Application and Policy
Form FCI-812-Raisin

UNITED STATES DEPARTMENT OF AGRICULTURE

FEDERAL CROP INSURANCE CORPORATION

CALIFORNIA APPLICATION AND POLICY FOR RAISIN INSURANCE (FOR 19__ AND SUCCEEDING CROP YEARS)

(FOR 19__ AND SUCCEEDING CROP YEARS)

(Name of Insured) (Policy Number)

(Address of Insured) (Zip Code)

(County) (Identification Number)

1. The undersigned applicant (herein called the "insured"), subject to the applicable provisions of the regulations of the Federal Crop Insurance Corporation (herein called "Corporation"), hereby applies to the Corporation for insurance on his interest in the insurable raisins named below located in the above-identified county. The insured applies for the amount of insurance shown below which shall be an amount shown on the county actuarial table on file in the Corporation's office for the county. The amounts of insurance available each crop year and prescribed premium rates for each crop year are shown on the county actuarial table from year to year. In counties where alternative amounts of insurance per ton are made available for election by the insured, the insured may change the amount of insurance which was in effect for a prior crop year and elect a new amount of insurance per ton by notifying the office for the county by the July 31 immediately preceding the crop year for which the change is to become effective. Unless the contract of insurance is canceled or terminated pursuant to the terms hereof, the amount of insurance per ton in effect for a crop year shall be the amount of insurance most recently elected by the insured and shown on a form prescribed for such purpose not to exceed the maximum dollar amount per ton shown on the county actuarial table for such crop year, except that when alternative amounts of insurance are not offered, the amount of insurance per ton for a crop year shall be the amount prescribed by the Corporation. This application when executed by an individual shall not cover his interest in a crop produced by a partnership or other entity. Amount of insurance elected $_____ per ton.

2. *Cause of loss insured against.* Insurance applied for and the insurance provided is against unavoidable damage or loss resulting from rainfall on the raisins during the insurance period while in the field on trays, or in rolls, for drying.

3. *Insurable raisins.* Only raisins while in the field on trays, or in rolls, for drying of the varieties (1) Thompson seedless, (2) Muscats, (3) Monukkas, and (4) Sultanas produced by the insured on the insurance unit (hereafter called "unit") are insurable raisins: *Provided*, That insurance shall not attach to (a) raisins which are first placed on trays after September 20 for those raisins drying in east/west rows, or the date specified on the actuarial table for those raisins drying in north/south rows, in any crop year, as determined by the Corporation, or (b) any raisins produced from acreage shown as noninsurable on the actuarial table.

4. *Supplements to application showing identification of vineyards, varieties, acres, estimated tonnages and interest.* The insured at the time of filing this application shall also file a supplement hereto, on a form prescribed by the Corporation, which shall be part of this application. The insured shall show on such supplement, in accordance with instructions thereon, the location of vineyards, varieties, acres, estimated tonnage of insurable raisins to be produced and his interest in each variety. Such information may be revised by the insured not later than August 25 of any crop year, by giving notice in writing to the office for the county of the Corporation: *Provided, however*, That downward revisions of estimated tonnage after August 25 of any crop year for premium adjustment purposes for any unit may be allowed if requested not later than the March 31 immediately following the crop year involved, but shall be limited to the most accurate determination the Corporation can make of the insurable tonnage placed on trays from records acceptable to the Corporation. Any such downward revisions shall be made only after satisfactory evidence is provided to the Corporation. When an earned annual premium is recomputed on the basis of a downward revision made after August 25 of any crop year, as provided herein, such premium shall be increased $10.00.

An acceptable revision shall be a part of the application, in lieu of any supplement previously filed, and shall be considered as the basis for continuation of insurance from year to year, subject to revision as provided herein. The Corporation reserves the right to determine the tonnage of raisins insured under the contract, or on any unit, and the insured's interest therein. The tonnage and interest insured shall be the tonnage and interest reported by the insured or as determined by the Corporation.

5. *The contract.* Upon acceptance of this application by the Corporation the contract shall be in effect for the crop year specified above and shall continue for each succeeding crop year until terminated in accordance with the provisions of the contract. This application and policy, endorsements and supplements thereto, if any, and the actuarial tables for each crop year on file in the office for the above county shall constitute the contract for raisin insurance. Any changes made in the contract shall not affect the continuity from year to year.

6. *Insurance period.* For each crop year, insurance attaches at the time the raisins insured are placed on trays for drying, provided they are so placed by September 20 for those raisins drying in east/west rows, or the date specified on the actuarial table for those raisins drying in north/south rows, of such year as determined by the Corporation, and continues throughout the drying season while the raisins are in the field and ceases on October 25, or upon the raisins being permanently removed from the field, or boxed, whichever first occurs.

7. *Annual Premium.* (a) The annual premium for each unit shall be earned and payable at the time insurance attaches and shall be determined by multiplying the insured tonnage as reported by the insured or as determined by the Corporation pursuant to section 4, by the applicable premium rate and multiplying the product thereof by the insured's interest at the time insurance attaches and, where applicable, applying the

discounts provided herein and adding thereto any increase provided in section 4.

(b) Except as otherwise provided in this subsection, the total annual premium for the insured crop on all insurance units shall be reduced as follows for consecutive years of insurance without a loss for which an indemnity was paid on any insurance unit immediately preceding the crop year for which the reduction is applicable (eliminating any year in which a premium was not earned):

Percent premium reduction:	*Consecutive insurance years with no loss*
5 percent after	5
7 percent after	6
9 percent after	7
11 percent after	8
13 percent after	9
15 percent after	10
17 percent after	11
19 percent after	12
21 percent after	13
23 percent after	14
25 percent after	15+

If an insured has a loss on a crop for which an indemnity is paid, the number of consecutive years of insurance on such crop without a loss for which an indemnity was paid shall be reduced by 5 years, except that, where the insured has 15 or more such years, a reduction to 10 shall be made and where the insured has 5 or less such years, a reduction to zero shall be made.

If at any time the cumulative indemnities paid on a crop exceed the cumulative premiums earned from the start of the insuring experience through the previous crop year, the premium discounts in this section shall not thereafter be applicable until such cumulative premiums equal or exceed the cumulative indemnities. (Premiums and indemnities used for this determination shall be in dollars.)

If there is no break in continuity of participation, any premium reduction earned hereunder shall be transferred to (1) the contract of the insured's estate or surviving spouse in case of death of the insured, (2) the contract of the person who succeeds the insured as the insured's transferee in operating only the same farm or farms, if the Corporation finds that such transferee has previously actively participated in the farming operation involved, or (3) the contract of the same insured who stops farming in one county and starts farming in another county.

8. *Premium note:* In consideration hereof, the insured promises to pay to the order of the Federal Crop Insurance Corporation each crop year of the contract the annual premium and further agrees that any amount due the Corporation by the insured may be deducted from any indemnity payable to the insured and when not prohibited by law, from any loan or payment otherwise due the insured under any program administered by the United States Department of Agriculture.

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(Code No.) (Witness to Signature)

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(Signature of Applicant) (Date)

9. Recommended for acceptance by:

---------- ------, 19--
(Corporation Representative) (Date)

10.

Address of Office for the County:

Phone: ----------

Location of headquarters:

Phone: ----------

11. *Life of contract.* This contract is noncancelable the first crop year and shall, subject to the provisions of this Section and the termination provisions of section 17 hereof, continue in effect for each succeeding crop year until either the insured, or the Corporation, cancels the contract by giving written notice to the other by June 30 of the crop year for which the cancellation is to become effective. The contract shall, however, terminate for nonpayment of premium if such premium is not paid by July 31, following the crop year in which the premium was earned. This contract shall terminate if no premium is earned for three consecutive crop years.

12. *Contract changes.* After the first crop year, the Corporation reserves the right to amend or change the terms and conditions of this contract from year to year. Notice thereof shall be mailed to the insured, or be made available at the office for the county, not later than June 15 of any crop year. Acceptance of the changes will be conclusive in the absence of any notice from the insured to cancel the contract as provided in paragraph 11, above.

13. *Notice of damage or loss.* The insured shall report each damage to the raisins insured resulting from rainfall to the office for the county immediately after such damage becomes apparent. If not so reported within seven days, the Corporation reserves the right to reject any claim arising out of such damage on the unit if it determines that it has been prejudiced by such failure to report.

14. *Amount of loss and proof of loss.* (a) The amount of loss insured against shall be determined and adjusted separately for each unit by multiplying the tonnage of raisins insured by the applicable amount of insurance per ton and multiplying such product by the insured interest in the raisins and deducting from such result the insured interest in the value, as determined by the Corporation, of the damaged and undamaged insured raisin tonnage produced on the unit. Undamaged raisins shall be valued at the market value or the amount of insurance, whichever is higher.

Raisins damaged by rainfall, but which are reconditioned so that they may be marketed the same as undamaged raisins, shall be valued at the market value or the applicable amount of insurance, whichever is higher, except that the cost of reconditioning shall be deducted from such value as herein provided.

Raisins damaged by rainfall, but which, as determined by the Corporation, cannot be reconditioned so that they may be marketed as undamaged raisins, shall be valued at the highest price obtainable, except that the cost of reconditioning, if any, shall be deducted from such value as herein provided.

The maximum which shall be allowed for any one reconditioning as a result of an insurable cause of damage shall be (a) $35.00 per ton for a dry reconditioning; or (b) $45.00 per ton for a wash and dry reconditioning; but such reconditioning allowance, or the aggregate thereof, shall not exceed the value of the raisins put through the reconditioning process, as determined by the Corporation. Artificial drying for only the purpose of removing excess moisture shall not constitute a reconditioning.

Raisins damaged solely by uninsured causes shall be valued at the market value of undamaged raisins or the applicable amount of insurance, whichever is higher.

Raisins damaged partially by uninsured causes and partially by rainfall shall be valued at the highest prices obtainable, subject to an adjustment for any reduction in value due to uninsured causes.

(b) In the case of any insured raisins damaged by rainfall which have not been put through the reconditioning process, the Corporation shall have the right to require the insured, at the insured's expense, to recondition representative samples of such raisins to determine whether they may be profitably reconditioned. If it is so determined, the Corporation may require the insured to recondition all of such raisins. Compliance by the insured with any requirements made pursuant to this paragraph shall be a condition precedent to the right of the insured to any indemnity hereunder on the unit involved.

(c) Notwithstanding any other provision hereof, the Corporation shall have the right, at its election, to take and acquire all of the right, title, and interest of the insured in and to any raisins damaged by rainfall. In such event, in determining the amount of loss, such raisins shall be valued at zero. The Corporation's representatives and employees shall have the right to ingress and egress on the insured's farm to the extent necessary to take possession of, care for, and remove such raisins pursuant to the provisions hereof.

(d) If, for the unit insured fails to report all his interest in, or tonnage of, insurable raisins, the Corporation may elect to determine the amount of loss with respect to all his insurable interest and tonnage as determined by the Corporation on either a tonnage or premium ratio basis, and reduce the amount of loss under the contract proportionately. All insurable tonnage picked and placed on trays by September 20, or the date stated on the actuarial table, shall for the purposes of this determination be treated as insurable raisins.

(e) If the tonnage reported of raisins insured is more than the tonnage determined by the Corporation, or the Corporation determines the interest of the insured in the raisins insured to be less than as reported, the indemnity shall be computed on the basis of the determined tonnage and interest and the excess premium, computed without regard to the increase provided for in section 4, shall be refunded.

(f) It shall be a condition precedent to payment of any claim that the insured furnish any information required by the Corporation regarding the production, weight and handling of the raisins insured and the manner and extent of loss. The insured hereby authorizes the Corporation to examine and obtain any records pertaining to the production and/or marketing of the insured crop under this contract from the raisin packer, raisin reconditioner, and/or the Raisin Administrative Committee established under orders issued by the United States Department of Agriculture pursuant to the Agriculture Marketing Agreement Act of 1937, as amended. If production from two or more units is commingled, or insurable and uninsurable tonnage is commingled, and satisfactory records are not made available to establish the facts, the Corporation reserves the right to deny liability or to allocate the production in such manner as it deems appropriate for the purpose of computing any indemnity involved. Any claim for loss on a unit shall be submitted to the Corporation, on a form prescribed by the Corporation, not more than 30 days after total destruction in the field or after the records required herein are available to the insured but not later than the April 30 immediately following the normal harvesting period. The Corporation reserves the right to provide additional time if it determines that circumstances beyond the control of either party prevent compliance with this provision.

(g) In the event that any claim for indemnity under the provisions of the contract is denied by the Corporation, an action on such claim may be brought against the Corporation under the provisions of 7 U.S.C. 1508(c): *Provided*, That the same is brought within one year after the date notice of denial of the claim is mailed to and received by the insured.

15. *Other insurance.* If the insured in any crop year has any other insurance on any unit against rainfall damage or loss while the raisins are on the trays for drying, this contract shall be void as to such unit and the Corporation shall refund any paid premium thereon.

16. *Causes of loss not insured against.* The contract shall not cover any loss due to neglect or malfeasance of the insured, any member of his household, his tenants, or employees, or failure to follow recognized good raisin practices, including the care of damaged raisins, or to any cause other than the one specified in section 2. There shall be no liability hereunder for any damage resulting from failure properly to prepare the land to allow for the run-off of water.

17. *Payment of indemnity.* (a) Any indemnity will be paid within 30 days after a claim for loss is approved by the Corporation: *Provided*, That in no event shall the Corporation be liable for interest or damages in connection with any claim for indemnity whether such claim be approved or disapproved by the Corporation.

(b) If the insured is an entity other than an individual and is dissolved or is an individual who dies or is judicially declared incompetent before insurance attaches in any crop year, the contract shall terminate as of the date of dissolution, death, or judicial declaration, but if such an event occurs after insurance attaches in any crop year the contract shall terminate at the end of such crop year and any indemnity payable shall be paid to the person(s) the Corporation determines to be beneficially entitled thereto.

(c) for the purposes of paragraph (b) of this section hereof, death of a partner in a partnership shall dissolve the partnership unless the partnership agreement provides otherwise. If two or more persons have a joint interest are insured jointly, death of one of the parties shall dissolve the joint insured interest.

18. *Insured interest.* For the purpose of determining the amount of indemnity the interest insured shall be the interest of the insured at the time damage becomes apparent in the tonnage of raisins insured as reported by the insured or as determined by the Corporation, whichever the Corporation shall elect.

19. *Abandonment of crop.* There shall be no abandonment of the insured crop or portion thereof to the Corporation.

20. *Misrepresentation and fraud.* The Corporation may void the contract without affecting the insured's liability for premiums or waiving any right or remedy including the right to collect any unpaid premiums if at any time, either before or after any loss, the insured has concealed or misrepresented any material fact or committed any fraud relating to the contract, and such voidance shall be effective as of the beginning of the crop year with respect to the crop on which any such act or omission occurred.

21. *Collateral assignment—Transfer of interest.* The right to an indemnity in any crop year may be assigned by the insured only as security upon prior approval of the Corporation. If the insured transfers his interest in the insured crop in any crop year he may, upon prior approval of the Corporation, transfer his right to an indemnity for such crop year with respect to the transferred interest in the insured crop. Any assignment or transfer shall be made on assignment or transfer forms prescribed by the Corporation and shall be subject to all the terms set forth thereon and to the terms hereof.

22. *Subrogation.* The insured (including his assignee or transferee) assigns to the Corporation all rights of recovery against any person for loss or damage to the extent that payment hereunder is made and shall execute all papers required and take appropriate action to secure such rights.

23. *Forms.* Copies of forms referred to in the contract are available at the office for the county.

24. *Meaning of terms.* For the purposes of insurance on raisins in California:

(a) "County actuarial table" means the forms and related material (including crop insurance maps where applicable) which are approved by the Corporation which are on file for public inspection in the office for the county and which show the amounts of insurance, premium rates, and related information with respect to raisin crop insurance for each crop year in the county.

(b) "Office for the county" means the Corporation's office serving the county shown in this application and policy, or such office as may be designated by the Corporation from time to time, and may serve more than one county.

(c) "County" means the area shown on the actuarial table which may include units located in a local producing area bordering on the county.

(d) "Crop year" means the calendar year in which the raisins insured are placed on trays for drying.

(e) "Insurance unit" or "unit" as to each insured variety of raisins means all vineyard acreage in the county having insured raisins thereon that is acreage (a) in which the insured has 100 percent interest as owner or operator, or (b) which is owned by one person(s) and operated by the insured as a share tenant, or (c) which is owned by the insured and rented to a share tenant: *Provided, however*, The Corporation and the insured may agree in writing before insurance attaches in any crop year to divide the insured's insurable vineyard acreage of raisins in the county into two or more units, taking into consideration separate and distinct farm operations. Vineyard acreage having insured raisins thereon rented for cash or a fixed commodity payment, or for any consideration other than a share in the crop on such land only, shall be considered as being owned by the lessee.

(f) "Per Ton" and "Tonnage" means a ton (2,000 pounds) of raisins placed on trays. When deemed appropriate the Corporation may determine raisin tonnage computed on the basis of one ton of raisins insured for every four tons of fresh grapes when first placed on trays for drying.

NOTE: The reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; (7 U.S.C. 1506, 1516))

The proposed regulations for insuring raisins in California will correct some inequities that existed under the old regulations that became effective for the 1966 and Succeeding Crop Years. Specifically, the changes would provide for (a) an allowance for space in which to enter the applicant's social security number in the application and policy heading, (b) including as insurable raisins those which are drying on trays in north/south rows by making provisions on the county actuarial tables for an earlier date than that designated for raisins drying on trays in east/west rows since a longer period of sunshine is required for drying, (c) elimination of the 10 percent penalty for any unpaid premiums not paid by January 31 following the crop year in which such premiums were earned, (d) revision of that section of the application and policy designated for the applicants signature and Corporation acceptance to reflect reorganization titles within the Corporation, (e) raising the reconditioning allowance to reflect the changing economic conditions and higher costs and to provide for changes in the reconditioning practices, and allow premium discounts for good insuring experience similar to all other crops insured, (f) incorporating a previous amendment dealing with conditions precedent to payment of claims (Amendment No. 1, June 18, 1970, 35 FR 9997), (g) clarification of the definition of ownership by lessee on cash rented land, and (h) provide the Corporation with access to marketing order records.

The rules herein do not fall within the criteria set forth in the Department of Agriculture's interim guidelines relating to the Inflationary Impact Statement required by the Office of Management and Budget Circular A-107.

It is desirable that the proposed Raisin Crop Insurance Regulations become effective with the 1976 crop year. Notice of changes must be given to present raisin insureds by May 31, 1976. It would therefore be impossible to follow both the procedure for notice and public participation prescribed by 5 U.S.C. 553 (b) and (c) prior to the adoption of these regulations and to comply with the contractual provisions with respect to filing such changes before May 31, 1976.

In view of the above, the Board of Directors found that it would be impracticable and contrary to the public interest to follow the procedure for notice and public participation prescribed by 5 U.S.C. 553 (b) and (c), as directed by the Secretary of Agriculture in a Statement of Policy, executed July 20, 1971 (36 FR 13804), prior to its adoption.

Accordingly, said amendment was adopted by the Board of Directors on May 12, 1976.

[SEAL] PETER F. COLE,
Secretary, Federal Crop Insurance Corporation.

Approved on May 27, 1976.

EARL L. BUTZ,
Secretary.

[FR Doc.76-16005 Filed 6-1-76;8:45 am]

CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—LOANS AND GRANTS PRIMARILY FOR REAL ESTATE PURPOSES

[FmHA Instruction 442.10]

PART 1824—GUIDELINES FOR PREPARING ENVIRONMENTAL IMPACT STATEMENTS FOR COMMUNITY SERVICES PROGRAMS

Redesignation of Part

Part 1824, "Guidelines for Preparing Environmental Impact Statements for

Community Services Programs," (37 FR 17460) is hereby revised, transferred to new Part 1901, "Program-Related Instructions," and redesignated as Subpart G, "Environmental Impact Statements." Part 1824 is hereby vacated and reserved.

AUTHORITY: (7 U.S.C. 1989); (42 U.S.C. 1480); (5 U.S.C. 301); Sec. 10 Pub. L. 93-357, 88 Stat. 392; delegation of authority by the Sec. of Agri., 7 CFR 2.23; delegation of authority by the Asst. Sec. for Rural Development, 7 CFR 2.70.

Effective date. This redesignation shall become effective on June 2, 1976.

Dated: May 24, 1976.

FRANK B. ELLIOTT,
Administrator, Farmers Home Administration.

[FR Doc.76-15987 Filed 6-1-76;8:45 am]

SUBCHAPTER H—GENERAL

PART 1901—PROGRAM-RELATED INSTRUCTIONS

Environmental Impact Statements

ADOPTION—REDESIGNATION-REVISION

There is hereby established under Chapter XVIII, Title 7, a new Subchapter H—"General," Part 1901, "Program-Related Instructions," Subparts A through M, in the Code of Federal Regulations. Subpart G, "Environmental Impact Statements," (§§ 1901.301-1901.350) of this new Part is revised, transferred and redesignated from Part 1824 of this Chapter XVIII.

On December 22, 1975, there was published a notice of proposed rulemaking in the FEDERAL REGISTER (40 FR 59214-59218) preparing to revise and transfer Part 1824 of this Chapter, including a change in title, in order to provide for compliance with the National Environmental Policy Act and related guidelines issued by the Council on Environmental Quality for all FmHA programs.

Interested persons were given the opportunity to submit, not later than January 21, 1976, comments, suggestions or objections regarding the proposed regulation. Comments and suggestions were received and given due consideration and, in concurrence with guidelines and advice from the Council on Environmental Quality, have been incorporated as appropriate.

Accordingly, new Subpart G of Part 1901 is set forth below.

Subpart G—Environmental Impact Statements

Sec.

AUTHORITY: (7 U.S.C. 1989); (42 U.S.C. 1480); (5 U.S.C. 301); Sec. 10 Pub. L. 93-357, 88 Stat. 392; delegation of authority by Sec. of Agri., 7 CFR 2.23; delegation of authority by the Asst. Sec. for Rural Development, 7 CFR 2.70.

§ 1901.301 Purpose.

This subpart provides agency policies, procedures, and guidelines for compliance with section 102(2)(C) of the National Environmental Policy Act (NEPA) of 1969, the Council on Environmental Quality (CEQ) Guidelines for Environmental Impact Statements, August 1, 1973, and the Secretary of Agriculture's Memorandum 1695, Supplement 4 (revised). Such compliance includes the preparation of environmental assessments and when needed, the preparation, circulation, and review of Environmental Impact Statements (EIS). Since policies and goals set forth in NEPA are supplementary to those in agency authorizations, to the fullest extent possible, agency policies, regulations and authorities will be administered in accordance with the Act. This subpart is therefore developed in a manner consistent with CEQ guidelines with advice, counsel and concurrence from CEQ.

§ 1901.302 Policy.

(a) The Farmers Home Administration (FmHA) will consult with appropriate Federal, State, and local agencies and other organizations and individuals to assess environmental impact of any proposed FmHA actions that the State Director determines may significantly affect the environment. The agency will act to avoid or minimize adverse environmental effects, including secondary effects, and restore or enhance environmental quality.

(b) The requirements of this subpart will be complied with at the earliest possible time before any agency decision is made about legislation or agency action is completed on making, modifying or establishing regulations, procedures and policy, approving loans or grants, and before funds are made available to a borrower or grantee.

(c) FmHA will assess experience in implementing section 102(2)(C) of NEPA to assure compliance with NEPA requirements and that environmental safeguards are executed according to plan. Training and guidance will be provided as needed as an integral part of program administration. As appropriate, the Department of Agriculture and CEQ will be informed of problems encountered, and suggestions will be made for additional criteria and guidance needed for full compliance with the NEPA process.

§ 1901.303 Scope.

This subpart covers the following types of actions: new and continuing program activities; recommendations or favorable reports on legislation including requests for appropriations; and making, modifying or establishing regulations, procedures, and policy.

(a) *Program actions requiring an environmental assessment.* Specifically, the following agency actions are presumed to possibly be significant actions under NEPA and, therefore, will require an environmental assessment. If it is determined that the action will have a significant environmental impact, an EIS will be prepared before any funds are committed to the action.

(1) Loans and grants for the development of business and industry.

(2) Loans for multiple housing projects of more than 50 units.

(3) Loans for more than 25 one- to four-family-dwelling units in a subdivision.

(4) Loans in rural areas to construct, enlarge, extend, or otherwise improve:

(i) Community water, sanitary sewage, solid waste disposal, and storm waste water disposal systems.

(ii) Other essential community facilities such as fire and rescue, health, safety, public buildings, schools, transportation, traffic, and law enforcement.

(b) *Legislation.* The CEQ and the Office of Management and Budget (OMB) will provide guidance as needed to assist in identifying the need for EIS and for recommendations or favorable reports on legislation including requests for appropriations. When needed, EIS will be prepared before submitting legislative proposals to OMB. The final EIS, along with comments received on the draft statement, will be made available to the Congress and to the public for consideration in connection with the proposed legislation or report. When the scheduling of Congressional hearings on legislation does not allow adequate time, a draft environmental statement may be provided pending transmittal of comments received and a final statement.

(c) *Program regulations, procedures, and policies.* Environmental assessments and impact statements, when needed, will be prepared when making, modifying or establishing regulations, procedures and policy and for ongoing projects and programs to avoid or minimize adverse environmental effects. Attention should be given to significant environmental considerations not fully evaluated at the time prior loans were made including those prior to enactment of NEPA. Before any additional or subsequent financial assistance is extended in such cases, appropriate action will be taken when needed to mitigate to the extent possible any adverse environmental effects.

(d) *Program actions not requiring an environmental assessment.* The following agency actions are generally presumed to be significant actions under NEPA and will therefore not usually require an environmental assessment. However, when the circumstances of a specific case indicate a possible significant environmental effect, or that the action might become a controversial issue, and an environmental assessment

results in a determination of significant effect, an EIS will be made.

(1) Loans to individual farmers in rural areas for the purchase, development, and operation of family farms.

(2) Loans to individual families in rural areas for the purchase, construction, or improvement of single residences.

(3) Loans in multiple housing facilities of not more than 50 dwelling units.

(4) Loans in housing subdivisions of not more than 25 one- to four-family-dwelling units.

(5) Loans to family farmers and other rural residents to develop land, water, and other related resources for increased production of food and fiber crops, improved pastures, feed crops and water facilities for livestock, and improved habitats for fish and wildlife.

(6) Emergency loans to farmers in declared or designated areas as a result of a major or natural disaster.

§ 1901.304 Identifying actions that may significantly affect the environment.

(a) In assessing significant environmental impact of a proposed action, all aspects of environmental impact will be considered, including those listed in Exhibit A of this subpart. A Federal action significantly affecting the quality of the human environment must be viewed as to the overall, cumulative impact of the proposed action, related Federal actions in the area, and further actions contemplated. Significant impacts may include both beneficial and detrimental effects, even if on balance, the effect will be beneficial. Secondary effects such as associated investments and changed patterns of social and economic activities may, through their impact on existing community facilities and activities, be more significant than the primary action. Adverse significant effects include those that degrade the quality of the environment, curtail the range of beneficial uses of the environment and serve the short term, to the disadvantage of long-term environmental goals.

(b) An action which significantly affects the quality of the human environment may directly or indirectly affect human beings through effects on the cultural and natural environment. Significant environmental effects, however, may sometimes be difficult to define precisely and uniformly due to variation of social, economic, political and ecological conditions. Therefore, sound judgment must be used in determining when environmental statements are required.

(c) Controversy also is a factor to consider in determining if a proposed action is significant. For example, is the action likely to involve the public in an active controversy based upon environmental issues? Will the action have a significant effect on normal economic, social, and political processes?

§ 1901.305 Environmental impact assessments.

(a) The FmHA official who receives a preapplication or application for a loan or grant that might have a significant impact on the environment will as an essential and concurrent part of the processing action:

(1) Request the applicant to complete Form FmHA 449-10, "Applicant's Environmental Impact Evaluation."

(2) Complete Form FmHA 440-46, "Environmental Impact Assessment," based upon Form FmHA 449-10 and other information.

(3) Submit both forms and other related information, as a part or the preapplication or application to the State Director.

(b) Applicants may be requested to provide analyses and information for use in making environmental impact assessments and statements. However, in all cases, evaluation of the environmental issues, completion of an environmental assessment and, if needed, preparation of draft and final environmental impact statements will be the responsibility of agency officials.

(c) The State Director will determine the need for an EIS in connection with the loan or grant applied for based upon the material received including comments related to or as the result of clearinghouse actions in accordance with OMB Circular A-95 and any additional information needed for a proper assessment. Appropriate officials of other Federal agencies from which funds also may be obtained should assist in making the assessment.

(d) If the State Director determines that an EIS is not needed, then the clearinghouse and Federal, State and local agencies (having jurisdiction by law or special expertise or authority to develop and enforce environmental standards), and the applicant will be advised that the loan or grant requested will have no significant impact on the environment. A draft EIS will not be prepared unless additional information or subsequent action indicates the need for one. The State Office will keep a record of "determinations of no significant effect." A summary report on assessments will be made available to interested parties upon request.

§ 1901.306 Coordination with other agencies.

(a) When other agencies are directly involved in an FmHA action that requires an EIS, the State Director will contact the agencies concerned to determine if a joint statement will be prepared and if a single lead agency will assume primary responsibility for preparing a statement. As necessary, the Office of the Coordinator of Environmental Quality Activities, USDA, will be consulted and, if appropriate, assistance will be obtained from CEQ. Factors relevant in determining an appropriate lead agency include the time sequence in which the agencies become involved, the magnitude of their involvement, and their expertise with respect to the proposed activity and related impacts.

(b) When a lead agency is agreed upon other than FmHA, FmHA will provide that agency with information about its respective areas of jurisdiction and expertise. The lead agency will discuss the development of statements with FmHA and other agencies and submit working drafts to them for comments and suggestions. Statements will indicate agency participation and concurrence. Such statements should contain an environmental assessment of the full range of Federal actions involved, reflect the views of all participating agencies, and be prepared before major or irreversible actions have been taken by any of the participating agencies.

§ 1901.307 Draft and final Environmental Impact Statements.

(a) *Explanation of EIS format.* A draft EIS is the first formal statement for filing with CEQ and for review and comment by other agencies and the public. It must fulfill and satisfy, to the fullest extent possible, the requirements established for a final EIS by section 102(2)(C) and other responsibilities set out in section 2 and Title I of NEPA. A final EIS reflects the results of the draft review process. It also is filed with CEQ.

(1) Exhibit B shows the format of the cover page for an EIS, Exhibit C is a guide for preparing a summary sheet that must accompany each EIS, and Exhibit D indicates the information needed in an EIS.

(2) No action that requires an EIS will be taken by FmHA before 90 days has elapsed after the date CEQ publishes the notice of public availability of such statements in the FEDERAL REGISTER or 30 days has elapsed after publishing the notice for final statement. These periods may run concurrently to the extent that they overlap.

(b) *Preparation of EIS by another agency.* If an EIS is needed for a project involving another Federal agency, the State Director will contact that agency to determine agency relationships and responsibilities in the preparation of the statement in accordance with § 1901.306. If the EIS will be prepared by a lead agency other than FmHA, the State Director will so notify the clearinghouse and the County Supervisor.

(c) *Preparation of EIS by FmHA.* If no other agency is involved or FmHA is the lead agency for the preparation of the EIS, the State Director will notify the clearinghouse that, based upon an environmental assessment of the loan or grant requested, a determination has been made that an EIS will be prepared by FmHA.

(1) The State Director will request the District Director and County Supervisor to provide information needed for the preparation of the statement, including a report on site visits when possible.

(2) The County Supervisor will notify the applicant in writing that an EIS will be prepared, and that action will not be taken on the application until such statement has been prepared in accordance with this subpart.

(3) On receiving the needed information, the State Director will prepare and process the draft EIS. The State Director will send 25 copies to the National Office, 5 copies to the clearinghouse, and a copy to regional offices of the Environmental Protection Agency (EPA) as well as to other appropriate Federal agencies and

interested organizations and individuals. Comments on the draft will be requested within 45 days. To the extent possible all major points of view on the environmental effects of the proposed action and its alternatives will be considered and discussed during preparation of the Draft EIS and results alluded to in the draft statement. The draft or final statement may be supplemented at any time particularly when substantial changes are made in places for which agency actions are being processed or significant additional information is obtained relative to adverse environmental effects from the proposed agency action. Draft statements should indicate at appropriate points in the text any underlying studies, reports, and other pertinent information considered in preparing the statement including any cost benefit analyses prepared by the agency and reports of any consulting agencies under the Fish and Wildlife, Coordination Act and the National Historic Preservation Act of 1966 where such consultation has taken place. When a request is received for extension of time for comments on an environmental impact statement the magnitude and complexity of the statement and the extent of citizen interest in the proposed action for which FmHA assistance is requested will be considered in determining any needed extension of time which will normally not exceed 15 days. The CEQ may be consulted relative to these matters when necessary for their expedient resolution.

(4) The State Director will prepare and process the final EIS taking into consideration comments received on the final statement and any other pertinent information. The final EIS will include reference to comments received on the draft EIS and the agency response to issues raised. Copies of comments may be included as part of the final statement or may be summarized. Any comments received on the final statement that warrant further consideration before loan or grant closing should be referred to the Administrator for instructions on actions to be taken.

(5) The State Director will send 5 copies of draft and final impact statements to CEQ and to the state clearinghouse and a copy of each to the applicant. Two copies of the summary sheet will be sent to the Office of Management and Finance (OMF) of USDA for referral to OMB. Copies of final statements with copies of comments received on the draft EIS shall be sent to all Federal, State and local agencies and private organizations that made comments on the draft statement and to others who requested a copy of the final statement and to the applicant whose project is the subject of the statement. Copies of final statements shall be sent to the Environmental Protection Agency to assist it in carrying out its responsibilities under section 309 of the Clean Air Act. Where the numbers or volume of comments on a draft EIS might make their inclusion and distribution with the final EIS appear to be impracticable, the agency may consult with CEQ concerning alternative arrangements for distribution of the statement. If an acceptable summary digest of the comments can be developed such might be distributed with the statement with the notation that the full comments are available for review at the designated FmHA office(s).

(6) If the proposed action to be financed with loan or grant funds is highly controversial and there is strong indication that a public hearing might be appropriate for providing the public with relevant information, the State Director will consider:

(i) The magnitude of the proposal in terms of economic costs, the geographic area, and uniqueness or size of commitment of resources;

(ii) The degree of interest in the proposal, as evidenced by requests from the public and from Federal, State, and local authorities that a hearing be held;

(iii) The complexity of the issue and the likelihood that information will be presented at the hearing that will be of assistance to the agency in fulfilling its responsibilities under the Act; and

(iv) The extent to which public involvement already has been achieved through other means, such as earlier public hearings, meetings with citizen representatives, and written comments on the proposed action.

(7) If a determination is made that a public hearing is appropriate, then the applicant will be advised that an EIS is required and that a public hearing is requested regarding the environmental aspects of the proposed action. A draft EIS will be prepared and made available to the public at least 15 days before such hearings.

(8) Necessary attention will be given to appropriate consultation and coordination with appropriate officials of Federal and State agencies including clearinghouses in accordance with the requirements of the Fish and Wildlife Coordination Act or the Wildlife requirement of the Watershed Protection and Flood Prevention Act, National Historic Preservation Act, relative to properties included in or eligible for inclusion in the national register of historic places and section 4(f) of the Department of Transportation Act 49 U.S.C. 1653(f), Water Pollution Control and Clean Air Acts. To the extent possible statements or findings required by these statutes concerning environmental impact should be combined with the EIS requirements of section 102(2)(C) of NEPA to yield a single document which meets all applicable requirements.

(d) *Public participation.* Public participation in the impact statement process at the earliest possible time in application processing will be encouraged. Every effort will be made to provide timely public information in order to obtain views of interested parties. In addition to making information available through the clearinghouse process the State Director may arrange to have notice of environmental assessments and statements made available through the normal manner of publicizing activities of interest in the area involved. This may include publicizing the existence of assessments and statements in local newspapers and to groups including relevant conservation commissions known to be interested in such activities. The applicant will be advised of the actions required by NEPA in accordance with this procedure and requested to assist as needed in providing needed information and obtaining views and participation of interested parties in the process.

§ 1901.308 State and local agency review of Environmental Impact Statements.

(a) The system of clearinghouses described in OMB Circular A-95 provides for obtaining the views of State and local environmental agencies on proposed FmHA projects to which the Circular applies. Under Part I of A-95, review of the proposed project in the case of Federally assisted projects generally takes place before preparing the impact statement. Therefore, comments obtained on the environmental effects of the proposed project represent inputs to the EIS.

(b) Comments made on environmental effects of proposed Federal or Federally assisted projects by clearinghouses, or by State and local environmental agencies through clearinghouses, in the course of the A-95 review, should be attached to the draft EIS when it is circulated for review.

(c) Copies of the draft statement should be sent to the agencies making such comments, so that they may comment again if they wish.

(d) The clearinghouses also may be used, by mutual agreement, for obtaining reviews of the draft EIS. However, FmHA may wish to deal directly with appropriate State or local agencies in the review of statements. In some cases, the Governor may have designated a specific agency other than the clearinghouse for such reviews. In any case, the clearinghouses should be sent both draft and final copies of the statements.

(e) To aid clearinghouses in coordinating State and local comments, draft statements should include copies of State and local agency comments made earlier under the A-95 process and should indicate on the summary sheet those other agencies from which comments have been requested.

§ 1901.309 Emergency circumstances.

(a) If an emergency makes it necessary to take an action with significant environmental impact without observing the minimum periods for agency review and advance availability of EIS, the State Director will submit to the Administrator:

(1) Complete documentation of the emergency circumstances, and

(2) Recommendations for consulting with CEQ about alternative arrangements.

(b) When there are overriding considerations of expense to the Government or impaired program effectiveness, the Administrator will consult with CEQ about appropriate modifications of mini-

mum periods for review of draft and final EIS.

(c) The FmHA shall be responsive to requests by the council for reports and other information dealing with issues arising in connection with the implementation of agency procedures related to compliance with NEPA and in particular to requests by CEQ for the preparation and circulation of an environmental impact statement. If the FmHA State Director determines by an assessment of relevant considerations that environmental statements are not needed a summary report of the assessment including reasons for the determination will be sent to the National Office FmHA, State Clearinghouse, EPA, CEQ and to other concerned parties upon request.

EXHIBIT A

(FmHA Instruction 1901–G)

ASSESSING ENVIRONMENTAL IMPACT

In assessing the environmental impact of a proposed action, all environmental aspects including social and economic effects as well as physical, will be considered such as:

A. *Air*—How and to what extent will the action affect the air quality? Will it contribute to a degradation of air quality? Will it cause changes in chemical and physical composition?

B. *Water*—How and to what extent will the action affect the availability, supply, use and quality of water?

1. Will the action cause marine pollution or affect commercial fishery and shellfish sanitation?

2. Will it affect waterway regulation and stream modification activities?

3. Will the action divert water from one basin to another and have a significant effect on the quality or quantity of water in either basin?

4. Will the action contribute to a significant depletion or degradation of ground or surface water?

C. *Fish and wildlife*—How and to what extent will the action affect biological and economic considerations related to effective management of fish and wildlife?

D. *Solid Waste*—How will the proposed action affect activities related to the creation, management, and disposal of solid waste materials? What type of solid waste will be generated as a result of the action?

E. *Noise*—Will the proposed action result in the exposure of people, either within the project or in the immediate and outlying areas, to noise levels having adverse effects on their health and welfare?

F. *Radiation*—Will the proposed action create heat, noise, energy waves, electrical or radioactive effects, physical vibrations, or other thermal, electrical or microwave activity that will be disturbing or a nuisance or create interference in the immediate and outlying areas?

G. *Hazardous substances*—Will the proposed action create or generate any substances, materials, or activities that are dangerous because of toxicity, flammability, combustible or explosive tendencies or characteristics. Will it create or generate substances that might result in contamination of food, clothing, or other materials?

H. *Energy supply and natural resources development*—

1. Electric energy development, generation, transmission and use.

2. Petroleum development, extraction, refining, transport and use.

3. Natural gas development, production, transmission and use.

4. Coal and minerals development, mining, conversion, processing, transport and use.

5. Renewable resource development, production, management, harvest, transport and use.

6. Energy and natural resources conservation.

7. Allocation and utilization of energy.

I. *Land use and management*—

1. Land use changes, planning, and regulation of land development.

2. Public land management.

J. *Protection of environmentally critical areas*—Floodplains, wetlands, beaches and dunes, unstable soils, steep slopes, acquifer recharge areas.

K. *Land use in coastal areas.*

L. *Redevelopment and construction in builtup areas.*

M. *Density and congestion mitigation.*

N. *Neighborhood character and continuity.*

O. *Impacts on low-income populations.*

P. *Historic, architectural, and archeological preservation*—Will the action have a significant effect on areas of recognized archeological value or properties listed on, or being considered for nomination to, the National Register or Historical Places?

Q. *Soil and plant conservation and hydrology.*

R. *Community recreation facilities—indoor-outdoor*—Will the action have a significant effect on public parks or other areas of recognized scenic or recreational value?

S. *Settlement patterns.*

T. *Changes in utility requirements and delivery systems.*

U. *Changes in social service demands.*

V. *Population movements—immigration-emigration.*

W. *Commercial and industrial complexities.*

X. *Educational facilities and delivery systems.*

Y. *Health and medical facilities and delivery systems.*

Z. *Transportation and communication systems and networks*—highways, roads, streets, railroads, airports, TV, radio, telephone, telegraph, microwave, signals.

EXHIBIT B

(FmHA Instruction 1901–G)

COVER PAGE FOR ENVIRONMENTAL IMPACT STATEMENTS

Each environmental impact statement will have a cover page with information similar to that shown in the box. (Headings in the left column are for guidance only and should not be listed.)

Cover page

Report No.	USDA–FmHA–EIS–ADM–ALA–75–1.[1]
Title of project	Beaver Creek Community, Ford, Ala., water and sewer system.
Subtitle	(Draft) or (final) environmental statement.
Name, title, address, and telephone number of FmHA official who prepared statement.	John A. Garrett, State Director, 474 South Court St., Montgomery, Ala. 36104. FTS: 205–263–7302, Com: 205–265–5611, Ext. 302.
Applicant's name and address	Beaver Creek Community, Ford, Ala. 36104.
Date prepared	Feb. 29, 1975.
Sponsoring agency (name and address)	Prepared by USDA—Farmers Home Administration, U.S. Department of Agriculture, Farmers Home Administration, 474 South Court St., Montgomery, Ala. 36104.

[1] U.S. Department of Agriculture, Farmers Home Administration, Environmental Impact Statement (Administrative), State Fiscal Year 1975, sequential number 1 within the year. Draft (D) and final (F) statements for the same project should be designated as "D" or "F" and assigned identical report numbers even though the final statement may be prepared in a subsequent fiscal year.

EXHIBIT C

(FmHA Instruction 1901–G)

SUMMARY TO ACCOMPANY ENVIRONMENTAL IMPACT STATEMENTS

Each environmental impact statement will include a summary sheet with information in the following format:

Summary Sheet

Environmental Impact Statement

Prepared in Accordance with Section 102 (2) (C) of P.L. 91–190

United States Department of Agriculture

Farmers Home Administration

Prepared by Name—Title—Address—Telephone

Title of Statement

(name of proposed action and applicant)

Draft Statement ☐ Final statement ☐

Administrative Action ☐

Legislative Action ☐

Brief description of action and its purpose; location of activity; State and county, kind and amount of assistance requested from FmHA and other sources, if any; estimated total cost of activity; kind of facility or activity to be developed; estimated dates for starting and completing development. Indicate any other proposed Federal actions in the area that are related to and discussed in the statement, if any.

Summary of environmental impacts and adverse environmental effects.

Summary of major alternatives considered.

For draft statements list all Federal, State, and local agencies and other parties from which comments were requested.

For draft statements list all Federal, State, and local agencies and other parties from which comments were received.

This statement sent to CEQ on _____. (Date)

Draft statement sent to CEQ on _____ (Date)

(Enter only on final EIS).

EXHIBIT D

(FmHA Instruction 1901–G)

CONTENT OF ENVIRONMENTAL IMPACT STATEMENTS

Information should be presented in a form easily understood, giving attention to the substance of the information rather than to the particular form, length, or details of the statement. A systematic, interdisciplinary approach integrating the natural and social sciences and environmental design arts will be used. Information need not always occupy a

distinct section of the Statement if it is otherwise adequately covered in discussing the impact of the proposed action and its alternatives. Environmental impact statements will include the following headings in the order listed:

Environmental Impact Statement

United States Department of Agriculture

Farmers Home Administration

Prepared by Name—Title—Address—Telephone

Title of Statement

(name of proposed action and applicant)

Draft Statement ☐ Final Statement ☐

Administrative Action ☐

Legislative Action ☐

Description. Describe the proposed action clearly including enough information and technical data to give readers a clear understanding of the nature of the proposed action. Highly technical and specialized analyses and data should, if needed, be attached to this statement. Where appropriate, describe the present environment, location, size, land ownership and status, physiograph, ecosystems, climate, and other special features. Where relevant, provide maps or other graphic material. Give the objectives and purposes of the proposal, along with other relevant background information.

The interrelationship of the proposed action with other projects and possible cumulative effects should be presented. Identify growth characteristics of the affected area and any population and growth assumptions used. Use OBERS Projections (compiled by the Bureau of Economic Analysis of the Department of Commerce and the Economic Research Service of the Department of Agriculture for the Water Resources Council) if available.

Describe the relationship of the proposal to proposed and approval land use plans, policies, and controls for the affected area. If conflicts exist, the proposed resolution of these conflicts of the reasons why they cannot be resolved must be thoroughly addressed.

Environmental impacts. Analyze and describe both the anticipated favorable and adverse impacts of the proposed action as it affects the environment. Where appropriate, assess international environmental impacts. Include the natural, social, and economic aspects of the environment in the assessment. Air, water, land use, wildlife, civil rights, minority groups, and persons with low incomes, for example, may be affected by a proposed action. (See Exhibit A for examples of other physical, social, and economic aspects of the environment to be considered in assessing environmental impact.)

Consider primary, secondary, and cumulative effects in the analysis. Measures to minimize the adverse environmental impacts of the proposal should be discussed. Include summaries of the probable adverse effects that cannot be avoided such as water or air pollution, undesirable land use patterns, damage to life systems, urban congestion, and health hazards. Interests and considerations of Federal policy that might offset the adverse environmental effects should be indicated.

Relationship between local short-term uses of the environment and the maintenance and enhancement of long-term productivity. Assess the action for cumulative and long-term effects from the perspective that each generation is trustee of the environment for succeeding generations.

Irreversible and irretrievable commitment of natural, cultural, and other resources. Identify the extent to which the action curtails the range of beneficial use of the environment. A rigorous exploration and objective evaluation of the environmental impacts of all reasonable alternative actions, particularly those that might enhance some or all of the adverse environmental effects, is essential. In each case the analysis should be sufficiently detailed to reveal the comparative evaluation of the environmental benefits, costs, and risks of the proposed action and each reasonable alternative.

Alternatives to the proposed action. Alternatives to accomplish an objective should be identified and effects evaluated as part of the planning process. Evaluation must be sufficient to determine benefits, costs, and risks. The "best" alternative is selected as the proposed action or several alternatives are presented, pending selection of the best alternative, and presented to others for review and criticism. The impacts and consequences of each alternative should be presented so that others may form an independent view of the worth of the proposed action and possible alternative courses of action. In reviewing the draft statement, additional viable alternatives may be identified. Alternatives may include those not within the existing authority of the agency. A "no action" alternative will generally have to be evaluated, along with other alternatives such as different designs, locations, or new approaches to accomplishing the objectives.

Available benefit/cost information for the proposed action and each alternative should be either appended to the EIS or made available to the public.

Consultation with appropriate Federal agencies and review by State and local agencies and public involvement. The draft EIS should describe consultation and involvement and a summary of the results of this action, including a list of those consulted.

Attach all substantive comments received on the draft EIS (or summaries of the draft where response has been exceptionally heavy) to the final EIS, whether or not each such comment is thought to merit individual discussion by the agency in the text of the EIS.

Cover sheet and summary sheet for environmental impact statements. Include for all EIS a cover page and a summary sheet as shown in Exhibits B and C of this subpart.

All comments should be submitted in writing to (name and address of the FmHA official who prepared the EIS) within (45 days for draft statements) and (30 days for final statements). Comments on the draft statement (will be) (were) considered in the development of the final statement.

No final action will be taken by the Farmers Home Administration before (90 days for draft statements) and (30 days for final statements) from the date CEQ published the notice of public availability of this statement in the FEDERAL REGISTER.

Copies of this EIS are being made available to the Council on Environmental Quality, The Environmental Protection Agency, interested Federal and State agencies, and other organizations and parties known to have a direct interest in the action.

Copies of the statement are available from the agency official who prepared it or from the Administrator, Farmers Home Administration, U.S. Department of Agriculture, Washington, D.C. 20250.

Date Statement Prepared _____.

Effective date. This regulation shall become effective on June 2, 1976.

Dated: May 24, 1976.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.76-15988 Filed 6-1-76;8:45 am]

Title 12—Banks and Banking

CHAPTER II—FEDERAL RESERVE SYSTEM

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. Y]

PART 225—BANK HOLDING COMPANIES

Nonbanking Activities of Bank Holding Companies

The Board of Governors has interpreted its Regulation Y as imposing a continuing obligation upon a bank holding company engaging in the activity of underwriting (reinsuring) credit life and credit accident and health (disability) insurance to maintain a public benefit on a continuing basis.

Section 225.135 is being added to read as follows:

§ 225.135 Acting as underwriter (reinsurer) for credit life and credit accident and health (disability) insurance—assuring continuing public benefits.

(a) Under the provisions of section 4(c)(8) of the Bank Holding Company Act of 1956, as amended ["Act"] (12 U.S.C. § 1843), a bank holding company may acquire shares of any company the activities of which the Board after due notice and opportunity for hearing has determined (by order or regulation) to be so closely related to banking or managing or controlling banks as to be a proper incident thereto. In making its determination, the Board is required to consider whether the performance of a particular activity by an affiliate of a holding company can reasonably be expected to produce benefits to the public that outweigh possible adverse effects.

(b) On December 11, 1972, pursuant to this authority, the Board amended its Regulation Y, by adding § 225.4(a)(10), to authorize as a permissible activity for bank holding companies the underwriting of credit life insurance and credit accident and health insurance that is directly related to extensions of credit by the bank holding company system. In authorizing this activity, the Board, in a footnote to section 225.4(a)(10) of Regulation Y (fn. 7), stated:

> To assure that engaging in the underwriting of credit life and credit accident and health insurance can reasonably be expected to be in the public interest, the Board will only approve applications in which an applicant demonstrates that approval will benefit the consumer or result in other public benefits. Normally such a showing would be made by a projected reduction in rates or increase in policy benefits to bank holding company performance of this service.

(c) In the course of considering a recent application, the Board became aware of pending legislation in the applicant's State that, if adopted, would provide new, lower premium rate standards applicable to the sale of such credit-related insurance. Because the applicant had already proposed, as one of the public benefits of its application, that it would offer premium rates below the then-existing State rates generally being charged by others, enactment of the

legislation would have had the effect of nullifying the proposed public benefits unless the applicant were to commit to lower its rates, concurrently, so as to assure the continuation of meaningful public benefits. Accordingly, the Board's Order granting the application made clear that the applicant's obligation to offer lower rates was a continuing one.

(d) While the Board does assure that such a public benefit exists at the time of approval of a credit insurance underwriting application, the Board is also concerned that this public benefit be maintained on a *continuing* basis, not only by new applicants, but by those applicants who have heretofore received approval of such applications. In the event that a State's insurance regulations were amended to provide for new premium rate standards that would establish new, and possibly lower, *prima facie* rates, it is possible that the public benefit involved in a prepiously approved application could be nullified unless the bank holding company, in light of such new premium rate standards, continued to offer this insurance to their customers at reduced rates. The Board believes that without such a continuing public benefit, a bank holding company's continuing to engage in the activity of underwriting credit insurance would be contrary to the requirements of the Act. In order to avoid such a situation, the Board has interpreted section 4(c)(8) of the Act and § 225.4(a)(10) of Regulation Y and its accompanying footnote as imposing a continuing obligation upon all bank holding companies authorized to underwrite such credit insurance pursuant to section 4(c)(8) of the Act and the Board's Regulation Y, to maintain a public benefit such as was anticipated and considered by the Board at the time of the original approval of each application, and was envisioned by the Board when this activity was adopted as a permissible nonbanking activity under section 4(c)(8) of the Act.[1]

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.76-15572 Filed 6-1-76;8:45 am]

SUBCHAPTER B—FEDERAL OPEN MARKET COMMITTEE

PART 271—RULES REGARDING AVAILABILITY OF INFORMATION

Deferred Availability of Information

At a meeting on May 18, 1976 the Federal Open Market Committee decided to reduce the delay in publication of records of policy actions taken at its monthly meetings. The policy record for a meeting will be released a few days after the next regularly scheduled meeting, rather than 45 days after the meeting to which the record relates. Incident to this action, the Committee amended § 271.5(a) of its Rules Regarding Availability of Information by deleting the second sentence.

As amended § 271.5(a) reads as follows:

§ 271.5 Deferment of availability of certain information.

(a) *Deferred availability of information.*—In some instances, certain types of information of the Committee are not published in the FEDERAL REGISTER or made available for public inspection or copying until after such period of time as the Committee may determine to be reasonably necessary to avoid the effects described in paragraph (b) of this section or as may otherwise be necessary to prevent impairment of the effective discharge of the Committee's statutory responsibilities.

* * * * *

By order of the Federal Open Market Committee, May 24, 1976.

ARTHUR L. BROIDA,
Secretary.

[FR Doc.76-15991 Filed 6-1-76;8:45 am]

[1] It should be noted that every Board Order granting approval under section 4(c)(8) of the Act contains the following paragraph:

"This determination is subject * * * to the Board's authority to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof."

The Board believes that, even apart from this Interpretation, this language preserves the authority of the Board to require the revisions contemplated in this Interpretation.

Title 16—Commercial Practices

CHAPTER II—CONSUMER PRODUCT SAFETY COMMISSION

SUBCHAPTER E—POISON PREVENTION PACKAGING ACT OF 1970 REGULATIONS

PART 1700—POISON PREVENTION PACKAGING

Certain Preparations Containing Iron; Child-Resistant Packaging Standards

● The purpose of this document is to amend provisions of the regulations under the Poison Prevention Packaging Act of 1970 (PPPA) (Pub. L. 91-601, 84 Stat. 1670-1674, (15 U.S.C. 1471-1475)) to require "special packaging" for certain animal and human drugs and dietary supplements that provide an equivalent of 500 milligrams (mg) or more elemental iron per package by adding the new provisions, 16 CFR 1700.1(a)(3), and 1700.14(a)(12), (13). ●

BACKGROUND

The Poison Prevention Packaging Act of 1970 authorizes the Secretary of the Department of Health, Education, and Welfare to promulgate standards for the special packaging of any household substance, as defined in the act if he finds that the degree or nature of the hazard to children in the availability of such substance by reason of its packaging is such that special packaging is required to protect children from serious injury or serious illness resulting from handling, using, or ingesting such substance.

Effective May 14, 1973, functions under the PPPA were transferred to the Consumer Product Safety Commission by section 30(a) of the Consumer Product Safety Act (Pub. L. 92-573, 86 Stat. 1231; (15 U.S.C. 2079(a))).

Subsequently, on August 7, 1973 (38 FR 21247), the Consumer Product Safety Commission revised and transferred the regulations under the PPPA from 21 CFR Part 295 to 16 CFR Part 1700.

In the FEDERAL REGISTER of January 16, 1975 (40 FR 2827), the Commission proposed child-protection packaging standards for certain preparations containing iron (16 CFR 1700.1(a)(3), 1700.14(a)(12)).

RESPONSE TO PROPOSAL

In response to the proposal, comments were received from a pharmacist, four medical doctors, a medical society, the Subcommittee on Accidental Poisoning of the American Academy of Pediatrics, the American Society of Hospital Pharmacists, the clinical director of a poison control center in a major university, a manufacturer of child-resistant packaging, ten manufacturers of certain iron preparations including dietary supplements, four associations representing manufacturers of iron preparations, four individual consumers, a consumer organization, the State of Georgia, the Office of Consumer Affairs of the Department of Health, Education, and Welfare, and the State of Washington Technical Advisory Committee on Poison Prevention Packaging.

Two of the 32 comments which were received supported the proposal as published. The principal issues raised in the remainder of the comments and the Commission's conclusions thereon are as follows:

A. *Use by elderly and handicapped.* 1. A number of comments express concern that elderly and handicapped persons might encounter difficulty in opening iron preparations in child-resistant packaging. Others, while recognizing that the PPPA itself provides the opportunity for such persons to obtain regulated products in conventional packaging, indicate that many consumers are unaware of this option and that the Commission should inform the public of its availability.

In passing the PPPA, Congress recognized that certain aged or infirm individuals might encounter difficulty in gaining access to products contained in special packaging. Section 4(a) of the act allows a manufacturer or packager of a regulated product supplied in special packaging to produce a single size of the product in conventional packaging, provided it is conspicuously labeled, "This package for households without young children." Labeling of non-complying packaging must comply with the requirements of the regulation at 16 CFR 1700.5 which specify type size, placement, and conspicuousness. In addition, section 4(b) allows prescription drugs subject to a standard to be dispensed in conventional packaging if requested by the purchaser or ordered by the prescriber. In recognition of the fact that consumers may be unaware of the availability of these options, the Commission is currently preparing a national information campaign on this subject which should

serve to alleviate the concerns expressed by these commentors.

2. To qualify as "special packaging" a package must resist the attempts of 85 percent of a panel of 200 children, evenly divided by age and sex, to gain access to the contents during an initial 5-minute period of testing. During a second 5-minute period, the package must also resist the attempts of 80 percent of the children to gain access after a demonstration of the proper method of opening to those children previously unable to gain access (section 1700.15(b) and section 1700.20(a) (1) and (2)). Section 1700.20(a)(4) also requires testing of the packaging with adults. The effectiveness specifications require 90 percent of a panel of 100 adults between the ages of 18 and 45 (70 percent of whom must be women) to be able to open and properly resecure the safety feature during a 5-minute period using only the written instructions provided with the package.

A comment on behalf of elderly and retired persons suggested that the adult testing panels required by section 1700.-20(a)(4) be comprised of at least a 25 percent representation of elderly persons to ensure that they too will be able to use special packaging. The comment further urged more stringent enforcement of the effectiveness standards by increased compliance testing and that consideration be given to requiring premarket certification.

As previously noted, the PPPA specifically provides for those persons unable to use special packaging. While it would be desirable to have special packaging which all adults could use, a change in the composition of the adult panel to accommodate certain physical limitations of the elderly could have the adverse effect of making it too easy for children under five to gain access to the contents of a package. Therefore, the benefits to be derived from any such change must be carefully weighed against the potential adverse effects, and, at this time, the Commission declines to alter the testing protocol. The Commission intends, however, to conduct a review of the protocol in the future, at which time interested parties will have an opportunity to recommend revisions.

In reference to the second part of this comment regarding compliance testing and pre-market certification, the Commission will continue to enforce its regulations under the act and will conduct compliance testing whenever it believes that a package fails to meet prescribed effectiveness specifications. Since, however, the current protocol includes only adults between the ages of 18 and 45 years, the Commission recognizes that increased testing may not necessarily result in packages which the elderly and handicapped can manipulate more easily. Finally, the Commission notes that it has no present legal authority under the PPPA to require pre-market certification for special packaging.

3. One commentor contends that products intended and promoted solely for use by the elderly should be exempted from the requirements for the special packaging of iron preparations, provided that the package is labeled, "This package for households without young children." Among the reasons stated in support of this contention is the argument that, since the purchasers of these products are among those who experience difficulty in using special packaging and do not normally have young children in their households, there will be no demand for special packaging. Consequently, inclusion of these products in the standard would cause unnecessary costs to be passed on to these elderly purchasers.

The legislative history of the PPPA indicates that Congress intended that noncomplying packaging be the exception, rather than the rule (Conference Rept., H.R. Rep. No. 1755, 91st Cong., 2nd Sess., 7 (1970)). It is also clear that the labeling, "This package intended for households without young children" was intended to give consumers the information with which to make a choice between complying and non-complying packaging. Therefore, if geriatric products were only available in non-complying packaging consumers would obviously not have this choice, labeling notwithstanding. While it is true that many elderly persons are unlikely to have young children living in their households, an exemption based on this consideration would not take into account the many cases where young children have gained access to potentially harmful substances while visiting or being visited by elderly persons. In view of this, those elderly persons who can use special packaging might desire the protection afforded by it.

As discussed above, the exemption provided by section 4(a) of the act is still available for the products covered by this regulation. Manufacturers are free to provide such supplies of their products in conventional packaging as are reasonably calculated to satisfy demand by persons unable to use special packaging. For the above reasons, the requested exemption is not adopted.

B. *Ingestion potential.* 1. The proposed regulation would have required that all animal and human drugs, except injectables, and all human dietary supplements containing the equivalent of 500 mg or more elemental iron per total package be marketed in special packaging.

Several commentors suggest that factors such as flavor, intended purpose of the product (i.e. therapeutic or nutritional), attractiveness, of the product, and form of the product (i.e. tablet, powder, gelatin capsule) may affect the likelihood that a young child would ingest a toxic amount. Therefore, they request that these factors be considered as the basis for narrowing the scope of coverage.

The extent of coverage of this standard is based on the aggregate amount of iron which might cause serious personal injury or serious illness to young children. Although the concentration of iron in a single dose may be low, nutritional products such as dietary supplements may contain a harmful amount of iron in the package. Consequently the Commission declines to make this standard applicable only to those preparations intended to provide a therapeutic amount of iron in a single dose.

The Commission acknowledges that flavor and attractiveness of the product may act as an inducement to young children to ingest excessive amounts. There is, however, no data indicating that the absence of flavor or lack of attractiveness acts as a deterrent to accidental ingestion. Reports of accidental ingestions to the National Clearinghouse for Poison Control Centers implicate both flavored and unflavored iron preparations, as well as those preparations in standard tablet form as opposed to those molded in forms attractive to young children. Further, incidents reported to the Clearinghouse include the ingestion of such products as bleach, turpentine, ammonia, and lye, none of which can be described as having a pleasant flavor or as being in a form which would be more likely to attract young children than other forms. Consequently, the Commission declines to limit the scope of this regulation on the basis of flavor and attractiveness.

The Commission recognizes that certain physical forms of a product, such as liquids or powders with low concentrations of iron, may be such that young children could not easily ingest a sufficient amount to be harmed. Accordingly, the Commission has revised the proposed standard to exclude those liquid and solid iron containing preparations which do not contain a sufficient concentration of iron to cause serious personal injury or serious illness should a child ingest the maximum foreseeable amount of such a product.

2. Commentors on behalf of the manufacturers of dietary supplements question the requirements for special packaging for their products, noting that the Food and Drug Administration requires no cautionary labeling instructing users to keep dietary supplements out of reach of children. Others suggest that cautionary labeling alone would resolve the problem of the accidental ingestion of dietary supplements by young children.

The Commission has no authority under the PPPA to require any cautionary labeling for foods and drugs other than that prescribed by § 4(a) of the act. The PPPA was passed in recognition that prior efforts to deal with accidental poisonings had not adequately protected young children from the dangers of accidental ingestion (S. Rep. No. 845, 91st Cong. 2d Sess. 3 (1970)). Among such prior efforts were the requirements for cautionary labeling under the Federal Hazardous Substances Act for many of the substances which the Senate noted had caused injury and illness to young children. The first regulation passed under the PPPA involved aspirin preparations, many if not all of which are required by the Food, Drug, and Cosmetic Act to bear the warning, "Keep out of reach of children." Ingestion data for those products demonstrated that the warning statement did not contribute significantly to the prevenion of accidental ingestions. Also, prescription drugs,

many of which may be very harmful to young children who accidentally ingest them, normally do not bear such cautionary labeling when they are dispensed to consumers. Consequently, the failure of the Food and Drug Administration to require cautionary labeling is not indicative of lack of need for special packaging. Further, based on past history, there is no indication that the addition of cautionary labeling alone would be adequate to deter accidental ingestions.

3. Several commentors contend that the injury information contained in the proposal was inadequate because it failed to disclose information such as potency of ingested material, dosage form, types of products, packaging information, range of tablets ingested, presence or absence of warning statements, and preexisting conditions of children involved in ingestion episodes. One commentor suggests that such information would normally be available to the Commission and therefore, should have been included in the proposal.

The data mentioned above are rarely available in reports from either the Food and Drug Administration's National Clearinghouse for Poison Control Centers or from other Commission data bases. However, in view of the numerous reports of ingestion of the products covered by this regulation and toxicity information in the medical literature indicating a serious degree of hazard to young children, the Commission does not believe that the absence of this information detracts from its findings that special packaging is necessary.

4. Some commentors suggest that, because the recorded instance of serious injury or illness involving dietary supplements is very low in comparison with the large number of units marketed annually, these supplements should be exempted from coverage. In general, reported data do not reflect all incidents of accidental ingestions among young children. For example, data collecting programs do not in all instances include cases treated by private physicians and nonparticipating hospitals. It is estimated that only 1 in 7 incidents is actually reported to the National Clearinghouse for Poison Control Centers.

The PPPA requires that ingestion data be considered in establishing standards. Although injury may be infrequent when compared with the number of marketed units, the Commission may issue a standard, particularly where ingestion may result in severe injury or death and the incidence of ingestion is frequent. The proposal noted that acute iron poisoning may produce a corrosion of the gastrointestinal tract and death may occur from shock within 4 to 6 hours or from cardiovascular collapse within one to three days. Data from the National Center for Health Statistics, Division of Vital Statistics, Mortality Statistics Branch, indicate that for the period 1969–73, 48 children under 5 years of age died as a result of accidental poisoning from iron preparations.

For the period 1969–73 data from the National Clearinghouse for Poison Control Centers on accidental ingestions of iron preparations by children under 5 years of age show 2,001 ingestions of which 543 cases required hospitalization of approximately 1–9 days. Of these victims, 272 exhibited symptomatology such as coma, convulsions, lethargy, nausea, vomiting, jaundice, black loose stools, diarrhea, abdominal pain, fever in excess of 101° F, hypotension and blood in vomit and stools.

Data from the National Electronic Injury Surveillance System (NEISS) indicate that for FY 1975 there were 29 ingestions resulting in 9 hospitalizations of children under 5 years of age as a result of ingesting preparations containing iron. From FY 1973–75 NEISS indicates 3 deaths of children under 5 years of age as a result of iron ingestion.

The data discussed above clearly indicate that special packaging is necessary to protect young children from serious personal injury.

C. *Level of iron per total package.* The PPPA provides that special packaging may be required for substances which present a threat of serious personal injury or serious illness to young children. On the basis that a three-gram dose of ferrous sulfate could be fatal to a human being, in the proposed standard the Commission estimated that a one-gram dose of elemental iron could produce death in a child younger than five years of age. Accordingly, the proposal covered packages containing 500 mg or more elemental iron in order to provide an adequate margin of safety. At the same time, the proposal invited interested parties to submit data which would enable the Commission to establish a more precise level. Many comments were received in response to the Commission's invitation. Some agreed that the 500-mg level was necessary and appropriate, while others suggested both higher and lower levels.

Several commentors believe that the 500 mg level should be lowered and one, in support thereof, offered an injury report concerning an incident involving siblings (ages 2 and 3) who ingested a total dose of 504 mg of elemental iron between them. They required hospitalization and showed iron levels above 300 micrograms-percent (normal range is 40–180 micrograms-percent). Both children developed acidosis and required intravenous therapy. Another case study showed that two siblings who ingested a total of 960 mg elemental iron between them evidenced the same symptoms and required similar treatment. A poison control center submitted references to show that as little as 600 mg elemental iron could cause intoxication.

Another commentor claims that the estimate in the proposal that a one-gram dose could be fatal to a young child was erroneously computed and that 600 mg is the correct estimate of the fatal dose.

The initial estimate in the proposal of the fatal dose was based on anhydrous ferrous sulfate which contains 37 percent by weight elemental iron. As the comment notes, the form of ferrous sulfate most commonly used in the preparations which would be subject to this standard, ferrous sulfate heptahydrate, contains 20 percent by weight elemental iron. Consequently, the correct estimate of the fatal dose of elemental iron should have been 600 mg.

While these comments tend to support the need to lower the level of iron for which special packaging would be required, none provided data adequate to establish a precise level. As discussed below, in conjunction with a separate matter, the Commission is studying the problem and will render a decision as soon as that study is completed.

2. Some comments advocate computing the level of coverage on the basis of daily nutritional need or the pediatric replacement dose. The Commission agrees that this is one method by which levels could be established. However, the amount of iron required to satisfy human nutritional need is not necessarily related to the amount of iron in a toxic dose. Therefore, nutritional amounts do not provide a valid means for arriving at an accurate estimate of the level of iron which should be regulated.

Several comments recommend establishing the level of iron by relying on factors which would take into account the age, weight, and physical condition of infants (6–12 mos.). On this basis, the comments recommended that packages containing 100 mg or more of elemental iron be regulated. In the references contained in one of these comments, it was estimated that the toxic dose of iron is "in the range of 20–60 mg elemental iron per kg of body weight, or as little as 1 gm of ferrous sulfate." Accordingly, this comment contained an estimate that 100 mg of elemental iron would be the minimum toxic dose for a 12-pound, six-month old child. However, this comment noted at the same time, that "the truly safe dose may well be less than 100 mg." In addition, the reference upon which the estimate was based also states that the minimum dose may be as little as 1 gram of ferrous sulphate (or 200 mg of elemental iron).

The Commission has evaluated the data submitted in support of each suggested specified lower level. While there may be merit in lowering the level, the Commission reiterates its view that the data available at this time are insufficient to provide a basis which would support a change to a specific lower level. Therefore, based on the revised estimate of 600 mg elemental iron as the potential lethal dose to children, references submitted by commentors indicating that serious injury or illness has occurred at levels at and below 600 mg of elemental iron, and an additional report in the medical literature indicating that a 650 mg dose of elemental iron (ten 5 gram ferrous sulphate tablets) was fatal to a young child (Arena: "Poisoning," 3rd Edition, Charles C. Thomas, Publisher), the Commission concludes that the proposed 500 mg level should be adopted.

As alluded to above, the Commission has pending before it a petition from the Washington State Technical Advisory Committee on Poison Prevention Packaging to amend this regulation by lowering the level of coverage to 250 mg per package. In consideration of this petition the Commission will collect and review all relevant information which might enable it to determine whether a lower level should be established, and, if so, what that level should be. The Commission invites interested persons to submit documentation and relevant information which will assist the Commission in making this determination.

5. Several comments suggest that the level contained in the proposal should be higher than 500 mg. In support of this position, the comments provided references from various sources indicating that the oral lethal dose (expressed as an LD-50) of elemental iron might range from 200 mg/kg to 1,000 mg/kg of body weight. On the basis of extrapolation from this animal data, the commentors further suggest that the lethal dose for a child weighing 10 kg would be 2,000 mg or more elemental iron. One comment questioned whether the three-gram dose mentioned in the proposal as being fatal to a human was administered orally or intravenously, noting that the intravenous route is fifty times more toxic than the oral.

Extreme caution must be exercised in extrapolating acute animal data to humans, especially when such data are contradicted by human experience. Variation in lethality among animal species is well known. The 1974 Toxic Substances List, for example, indicates that the oral LD-50 for ferrous sulfate for the rat is 1,480 mg/kg, while the LD-50 for the mouse is 1,170 mg/kg. Critical factors which may affect lethal dose estimates include the number of animals tested per dosage level, the choice of a statistical method for analyzing the data, and the time after administration at which lethality is measured. These factors do not always appear in toxicity listings. Therefore, while the references provided by the commentors provide some indication of the relative toxicity of iron preparations, the human experience data available to the Commission in this instance indicate that such references are not sufficiently reliable to provide a means by which a level of iron which would not present a threat of serious injury or serious illness to young children could be established. In response to the inquiry concerning the method of administration of the three-gram dose specified in the proposed regulation, the method of administration was oral.

D. *Products covered.* 1. As proposed, an iron preparation would have been subject to the regulation regardless of the quantity of the product required to attain the 500 mg level and the intended purpose of iron in the preparation. Several commentors object to the failure of the proposal to set a limit on the maximum quantity to be regulated. The primary concern was that packages containing more of a substance than a child could conceivably ingest would be unnecessarily covered. As a remedy, the commentors suggest the following: (a) imposing an absolute size limitation, such as one pound or one pint for solids and liquids; (b) adding a minimum concentration factor of 0.2 percent; and (c) exempting tablets containing 3 mg or less elemental iron or tablets containing less than 25 mg elemental iron in unit-dose packaging.

In response to these comments, the Commission investigated the question of what maximum amount of substance, liquid or solid, a five-year-old child could conceivably consume within a reasonable amount of time. Among others, the Commission consulted with those members of the Technical Advisory Committee on Poison Prevention Packaging who are pediatricians and requested data on this question. While specific data were generally not available it was the unanimous opinion of these physicians—all of whom have been actively associated with major poison control centers—that a child could reasonably be expected to ingest no more than one pound of a solid or one quart of a liquid at one time. The Commission has clarified the scope of coverage in the final amendment issued below to exclude those non-liquid products containing less than 500 mg of elemental iron per 500 grams of product (less than 0.10 percent by weight) and those liquid iron-containing preparations containing less than 500 mg of elemental iron per liter of product (less than 0.05 percent by weight/volume). The Commisison declines to adopt several alternate suggestions for limiting the scope of coverage. A minimum concentration factor of 0.2 percent would expose a child to a potentially harmful amount of elemental iron after the ingestion of 250 mg of solid product (approximately 8 ounces) or ¼ of a liter of a liquid (approximately ½ pint). A limitation based on the amount of iron per tablet, as one commentor recommends, would not take into account such factors as size and weight of the tablet and therefore would not have provided sufficient assurance that a child would not ingest a potentially harmful amount of iron.

2. Two commentors questioned whether the proposal was intended to include all iron or only that iron present in the preparation as the active ingredient. These comments suggested that relatively insoluble iron salts, such as ferric oxide, present only as coloring agents, should not be included in computing the total amount of iron per package.

The proposed regulation was intended to cover two classes of products: (1) drugs, whether animal or human, containing iron as an active ingredient; and (2) dietary supplements for human use containing iron. However, the language of the proposal can be construed to extend the scope of coverage beyond that which was intended.

For those preparations which contain iron as a colorant, only one iron salt, synthetic ferric oxide, is authorized by the Food and Drug Administration for use as a coloring agent in animal foods and human and animal drugs. This salt, in comparison with other iron salts such as ferrous sulfate, has a relatively low solubility and bioavailability and therefore should not be used as a basis for regulating those products in which it is the sole source of iron. However, while the presence of synthetic ferric oxide would not significantly increase the toxicity of iron-containing products, analytical methods presently known to the Commission do not permit differentiation of the various sources of elemental iron contained within a single preparation. Consequently, § 1700.14(a) (12) and (13) as promulgated below will include only those products in which iron is present as an active ingredient. This will have the effect of excluding products in which the sole source of iron is contributed by ferric oxide present as a colorant. However, the amount of elemental iron in products subject to the regulation is to be computed on the basis of the total amount of iron present in a package, without regard to solubility or oxidation state.

3. One commentor recommends exempting animal feed used as a vehicle for administering drugs. As noted above, the proposed regulation was intended to cover those drugs in which iron is present as an active ingredient. However, some animal feeds containing iron for nutritional purposes are technically classified as drugs because of their use as vehicles for administering drugs and, as such, unintentionally fall within the scope of the coverage of the proposed regulation. The Commission concludes that a clarification to the regulation will preclude confusion concerning the status of these products. Accordingly, the Commission has divided § 1700.14(a)(12), as proposed, into two sections: § 1700.14(a)(12) below, applies to human and animal drugs in which iron is present as an active ingredient of the drug itself and excludes animal feeds, and; § 1700.14(a)(13) below, covers human dietary supplements containing iron.

E. *Effective date.* Section 9 of the PPPA provides, in part, that no standard issued under the act shall go into effect sooner than December 9, 1976 or later than June 2, 1977. The proposed regulation covering iron indicated that because of the serious danger posed by these preparations the Commission intended the final order to go into effect six months after its publication and invited comments on this aspect of the proposal.

One commentor supports the proposed effective date. Other comments were received urging the Commission to make this regulation applicable to those products packaged more than one year after publication of the final regulation. The principal arguments advanced in support of the longer effective date are related to the need for stability and compatibility testing, lack of availability of special packaging, and lengthy lead times necessary to convert existing packages and line equipment to comply.

The commentors on stability contend that the six-month proposed effective date is an insufficient period in which to

establish that special packaging will adequately maintain the integrity of iron containing products and they recommend that up to one year be allowed in order to perform the necessary stability tests. Three commentors support this contention by making reference to an incident in which a recall of a prescription drug packaged in special packaging was instituted after several units were found to be below required potency. All three alleged that the subpotency resulted from the use of special packaging. Other comments suggested that additional time was necessary to ensure that special packaging would comply with the proposed requirements of the U.S. Pharmacopeia (USP) and the FDA for tightly-closed containers.

The USP, one of the official compendia whose requirements for drugs are incorporated in the Food, Drug, and Cosmetic Act, requires that drugs listed therein be packaged in either "tightly-closed" or "well-closed" containers to maintain stability of the product.

The proposed USP official standards to which the commentors refer specify moisture-vapor permeation levels which containers cannot exceed if they are to meet compendial requirements for "tightly-closed" and "well-closed" containers. These standards are scheduled to become mandatory in April, 1977. Many of the products which would be subject to this regulation require "tightly-closed" containers. At present, information available to the Commission indicates that threaded glass containers with continuous threaded child-resistant closures and appropriate liners satisfactorily meet the requirements for "tightly-closed" containers. Further, information available to the Commission indicates that the incident in which a drug recall was mandated by subpotency was related to the failure of the manufacturer to apply the closure tightly enough rather than to inadequate stability testing. Consequently, while the use of container-closure systems which meet the requirements for "tightly-closed" containers might necessitate a change in packaging the Commission is unable to conclude that those requirements dictate an extension of the proposed 6-month effective date, especially when those requirements will not go into effect until April, 1977.

The Commission recognizes that special packaging, in addition to resisting access by children, must conform to FDA standards governing the compatibility and stability of foods and drugs with their packages. In many instances, FDA may require that supportive data be submitted. The amount of testing necessary to establish compatibility will vary from product to product.

Many products which will be subject to this regulation require labeling with an expiration date to ensure that they maintain their labeled potency. It is the policy of the Food & Drug Administration to allow the amount of time for labeled expiration date of a new drug to exceed the actual amount of time during which stability studies have been conducted by 6 to 9 months, provided accelerated stability testing data are submitted in support of the extended time period. Further, stability testing must be conducted on products which are not new drugs. Thus, under FDA guidelines, a manufacturer who wished to label or market a product with an 18-month expiration date would be required to submit or maintain data on actual studies conducted for nine months to one year.

The Commission recognizes that many of the products subject to this regulation contain components such as vitamins which are unusually susceptible to decomposition unless their packaging affords adequate protection. In addition, the expiration date or life expectancy of a product must allow sufficient time for the product to be distributed to retailers, sold, and consumed. Extensive stability testing will be necessary to ensure that these products maintain labeled potency prior to their expiration dates or consumption. In some cases, a complete packaging change may be necessary in order to comply with the regulation. This will result in a change in packaging components coming into contact with the product. Compatibility and stability studies will be necessary to ensure that the change in packaging is not detrimental to the integrity of such products. Consequently, the Commission is establishing the effective date of this regulation at one year after its publication in the FEDERAL REGISTER. The one-year date recognizes that a manufacturer subject to this standard may be unable to make firm commitments to obtain adequate supplies of special packaging until compatibility studies have been completed. Small packagers requiring new capping and line machinery to bring their products into compliance with the standards will require the time provided to convert machinery and to obtain special packaging.

In establishing the one-year effective date, the Commission notes that the lack of availability of packaging for products subject to this regulation was not a sufficient reason to extend the proposed six month effective date. In December, 1975, the Commission conducted a survey of several packaging manufacturers to determine the current availability of special packaging for iron preparations. The results of the survey indicate that an aggregate mold capacity of 400 million units for child-resistant closures of varying sizes is currently uncommitted. Further, should additional mold capacity be necessary, reports indicate that sufficient capacity could also be produced and operating within a four- to six-month period. Documentation submitted by one commentor indicated a lead time for delivery of child-resistant packaging to be five to seven weeks as of May, 1975.

Some commentors requested an extended effective date because special packaging is not available in specific sizes or in forms for use with existing containers such as apothecary jars or wide mouthed containers. The PPPA contains no requirement that the Commission find that special packaging be immediately available for use with existing containers. Therefore, the necessity for some manufacturers to alter their existing packages to comply with these standards is not, in itself, sufficient reason to extend the effective date when alternate designs of packaging could have been available in production quantities within the time period specified in the proposed standard. Having considered the comments and other available information, the Commission concludes that iron containing preparations subject to this regulation and which are packaged one year or more after its publication, must comply.

F. *Responsibility of the packager.* One commentor suggests that the Commission clarify the responsibility of the manufacturer of a prescription drug to provide special packaging when the package in which the drug is packaged by that manufacturer is intended for use by an ultimate consumer.

In the view of the Commission, the individual or firm that places a product subject to a special packaging standard in a package intended to enter the household is responsible for providing special packaging. In the case of prescription drugs, the manufacturer has the primary responsibility when that manufacturer places the drug in a container clearly intended to be utilized in dispensing the drug for use in the home. When the pharmacist transfers a drug from a bulk dispensing container into a prescription container for consumer use, the responsibility shifts to the pharmacist. The fact that a manufacturer has an obligation to provide special packaging for a drug which it packages in a container intended to be dispensed to the consumer does not, however, relieve the dispenser of the drug from the obligation to provide special packaging when the manufacturer fails to provide such packaging.

G. *Clarification of products covered.* 1. One commentator recommends that section 1700.14(a) of the the proposed standard be amended to specifically apply only to household substances. Since regulations under the PPPA can only apply to those substances which are intended for use in or about the household, and not to substances for industrial or institutional use, the suggested revision to the proposed regulation is superfluous and is not adopted.

2. Another comment suggests that this proposed regulation apply only to nonprescription drugs and human dietary supplements, avoiding overlapping coverage of prescription iron preparations under this standard and 16 CFR 1700.14 (a)(10). This would also preclude any implication that prescription iron preparations subject to the regulation requiring special packaging for oral prescription drugs are exempted from that standard when they contain less than 500 mg iron per package. Since this regulation does not explicitly amend the prescription drug standard, iron preparations subject to that regulation remain covered. While both regulations cover oral prescription drugs containing iron,

the prescription drug regulation covers those packages containing less than 500 mg total iron, while this regulation covers non-oral prescription preparations containing iron. Since the two standards are not identical in their coverage, the Commission declines to adopt the proposed revision.

H. *Request for hearing.* One commentor challenges the Commission's estimate of the proposed level of iron and the ingestion data upon which the Commission based its finding of necessity for special packaging. The commentor also questions the ability of special packaging to protect the integrity of iron preparations and the benefit to the consumer as opposed to the cost. The commentor requested that the Commission hold a hearing on the proposed regulation. The Administrative Procedure Act (5 U.S.C. 553) requires the Commission, after notice of proposed rulemaking, to give interested persons an opportunity to participate in the rulemaking through the submission of written data, views, or arguments with or without the opportunity for oral presentation. By its FEDERAL REGISTER notice of January 16, 1975, the Commission has given all interested parties the opportunity to submit written comments on this proposal. Those comments provide adequate information to assist the Commission in developing this standard and, in the opinion of the Commission, raised no issues necessitating an administrative hearing. Since all of the comments upon whch the request for a hearing was based have been addressed in this preamble, the Commission denies the request.

SECTION 3(a) (1) AND (2) FINDINGS

As required by section 3(a) of the PPPA, the Commission has consulted with the Technical Advisory Committee on Poison Prevention Packaging during the development of this standard. After considering their comments and those from other interested parties, available scientific and medical data concerning childhood ingestions, injury and illness caused by iron containing preparations, and available engineering and scientific data concerning special packaging the Commission makes these findings in accordance with section 3(a) (1) and (2) of the PPPA.

A. *Special packaging needed to protect children from serious injury or illness resulting from handling, using or ingesting certain preparations containing iron.* The degree and nature of the hazard to children in the availability of non-injectable human and animal drugs (excluding animal feeds used as drug carriers) which provide 500 mg or more elemental iron per package for therapeutic or prophylactic purposes, and the degree and nature of the hazard to children in the availability of dietary supplements containing 500 mg or more elemental iron per package (except preparations in which iron is present solely as a colorant), by reason of their packaging, is such that special packaging is required to protect children from serious personal injury or serious illness resulting from the handling, using, or ingesting of such substances containing elemental iron in concentrations of 0.1 percent or more on a weight to weight basis for non-liquids and 0.05 percent or more on a weight to volume basis for liquids.

In support of this finding the Commission refers the reader to its in-depth discussion on the degree and nature of these hazards contained above in section B entitled "Ingestion Potential."

B. *Technical feasibility, practicability and appropriateness of special packaging.* 1. The Commission finds that the special packaging for purposes of the amendments issued below is technically feasible on the basis of the fact that, to date, 23 firms have submitted summaries of data from tests conducted in accordance with 16 CFR 1700.20 indicating that one or more designs of special packaging suitable for use with iron preparations meet or exceed the effectiveness specifications of 16 CFR 1700.15(b). These designs include those adaptable to glass and plastic containers, and strip and blister packaging.

2. The Commission finds that the special packaging for purposes of the amendments issued below is practicable in that it is susceptible to modern mass production and assembly line techniques. Those designs used on many plastic or glass containers are adaptable to capping and filling equipment already being produced and used in the drug packaging industry, while filling and forming equipment presently exists to produce products packaged in child-resistant strip and blister designs.

3. The Commission finds that the special packaging for purposes of the amendments issued below is appropriate since the special packaging available will not interfere with the storage or use of iron containing preparations and is not detrimental to their integrity. Of the designs mentioned above, many utilize or can utilize the same packaging materials which come in contact with iron containing preparations in their present packages, and are capable of maintaining the stability of iron preparations.

ENVIRONMENTAL CONSIDERATIONS

An assessment of the potential environmental impact of these amendments to 16 CFR 1700.1(a) and 1700.14(a) requiring the use of child-resistant closures for certain preparations containing iron has been made. The Commission concludes that there are no potentially significant environmental impacts associated with the amendments, and, therefore, there is no need for an environmental impact statement. A copy of the environmental assessment is on file at the Commission and may be inspected at the Office of the Secretary, 8th floor, 1750 K Street, NW., Washington, D.C.

CONCLUSION AND PROMULGATION

Having considered the proposal, the comments thereon, and other relevant material, the Commission concludes that the proposed amendments with changes, should be adopted as set forth below.

Accordingly, pursuant to provisions of the Poison Prevention Packaging Act of 1970 (secs. 2(4), 3, 5, 84 Stat. 1670–72; (15 U.S.C. 1471(4), 1472, 1474)) and under authority vested in the Commission by the Consumer Product Safety Act (sec. 30(a), 86 Stat. 1231; (15 U.S.C. 2079 (a))), 16 CFR Part 1700 is amended as follows:

1. Section 1700.1 is amended by adding a new subparagraph (3) to § 1700.1(a), as follows:

§ 1700.1 Definitions.

(a) * * *

(3) "Dietary supplement" means any vitamin and/or mineral preparation offered in tablet, capsule, wafer, or other similar uniform unit form; in powder, granule, flake, or liquid form; or in the physical form of a conventional food but which is not a conventional food; and which purports or is represented to be for special dietary use by humans to supplement their diets by increasing the total dietary intake of one or more of the essential vitamins and/or minerals.

* * * * *

2. Section 1700.14(a) is amended by adding new paragraphs (12) and (13) as follows:

§ 1700.14 Substances requiring special packaging.

(a) *Substances.* * * *

(1) * * *

(12) *Iron containing drugs.* With the exception of animal feeds used as vehicles for the administration of drugs, non-injectable animal and human drugs providing iron for therapeutic or prophylactic purposes, and containing a total amount of elemental iron, from any source, in a single package, equivalent to 500 mg or more elemental iron in a concentration of 0.05 percent or more on a weight to volume basis for liquids and 0.10 percent or more on a weight to weight to weight basis for nonliquids (e.g., powders, granules, tablets, capsules, wafers, gels, viscous products such as pastes and ointments, etc.) shall be packaged in accordance with the provisions of § 1700.15 (a), (b), and (c).

(13) *Dietary supplements containing iron.* With the exception of those preparations in which iron is present solely as a colorant, dietary supplements, as defined in §1700.1(a)(3), that contain an equivalent of 500 mg or more of elemental iron, from any source, in a single package in concentrations of 0.05 percent or more on a weight to volume basis for liquids, and 0.10 percent or more on a weight to weight basis for non-liquids (e.g., powders, granules, tablets, capsules, wafers, gels, viscous products such as pastes and ointments, etc.) shall be packaged in accordance with the provisions of section 1700.15 (a), (b), and (c).

* * * * *

Effective date. The regulations promulgated above, 16 CFR 1700.1(a)(3) and 1700.14(a) (12) and (13) shall become effective on June 2, 1977.

(Pub. L. 91-601, secs. 2(4), 3, 5, 84 Stat. 1670-72; (15 U.S.C. 1471(4)), 1472, 1474, Pub. L. 92-573, sec. 30(a), 86 Stat. 1231; (15 U.S.C. 2079(a))).

Dated: May 27, 1976.

SADYE E. DUNN,
Secretary, Consumer Product Safety Commission.

[FR Doc.76-15935 Filed 6-1-76;8:45 am]

Title 21—Food and Drugs

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

[Docket No. 76G-0095]

PART 121—FOOD ADDITIVES

Food Additives Permitted in Food for Human Consumption; Roasted or Baked Glandless Cottonseed Kernels

Correction

In FR Doc. 76-14119 appearing on page 19933 of the issue for Friday, May 14, 1976, in the middle column, the word "glandless" in the twelfth line of the first paragraph should read as follows: "glanded."

SUBCHAPTER E—ANIMAL DRUGS, FEEDS, AND RELATED PRODUCTS

PART 510—NEW ANIMAL DRUGS

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

Sponsors of Approved Applications

TYLOSIN

The Food and Drug Administration has evaluated a new animal drug application (103-089V) filed by Carl S. Akey, Inc., P.O. Box 259, Lewisburg, OH 45338, proposing safe and effective use of a tylosin premix for the manufacture of swine feed. The application is approved, effective June 2, 1976.

The Commissioner of Food and Drugs is amending §§ 510.600 and 558.625 (21 CFR 510.600 and 558.625) to reflect this approval.

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

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))), and under authority delegated to the Commissioner (21 CFR 2.120), Parts 510 and 558 are amended as follows:

1. In Part 510, § 510.600 is amended by adding a new sponsor alphabetically to paragraph (c)(1) and numerically to paragraph (c)(2), to read as follows:

§ 510.600 Names, addresses, and code numbers of sponsors of approved applications.

* * * * *

(c) * * *

(1) * * *

Firm name and address:	*Drug listing No.*
* * * * *	
Carl S. Akey, Inc., P.O. Box 259, Lewisburg, Ohio 45338	017790
* * * * *	

(2) * * *

Drug listing No.	*Firm name and address*
* * * * *	
017790	Carl S. Akey, Inc., P.O. Box 259, Lewisburg, Ohio 45338.
* * * * *	

2. In Part 558, § 558.625 is amended by adding paragraph (b)(48), to read as follows:

§ 558.625 Tylosin.

(b) * * *

(48) To 017790: 10 grams per pound; paragraph (f)(1)(vi) (*a*) of this section.

* * * * *

Effective date. This regulation shall be effective June 2, 1976.

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

Dated: May 21, 1976.

C. D. VAN HOUWELING,
Director, Bureau of Veterinary Medicine.

[FR Doc.76-15909 Filed 6-1-76;8:45 am]

Title 26—Internal Revenue

CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER A—INCOME TAX

[T.D. 7420]

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

Requirements of a Domestic International Sales Corporation (DISC)

Correction

In FR Doc. 76-14844 appearing on page 20654 in the FEDERAL REGISTER of Thursday, May 20, 1976, in the third column, the third line of § 1.992-1(a)(6) should read, "in paragraph (i) of this section."

Title 29—Labor

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

[S-74-3]

PART 1928—OCCUPATIONAL SAFETY AND HEALTH STANDARDS FOR AGRICULTURE

Guarding of Farm Field Equipment, Farmstead Equipment, and Cotton Gins; Deferral of Effective Date

On March 9, 1976, a final occupational safety and health standard concerning the guarding of farm field equipment, farmstead equipment, and cotton gins was published in the FEDERAL REGISTER (41 FR 10190) as 29 CFR 1928.57.

This standard provides a schedule of various effective dates for different parts of the standard. An effective date of June 7, 1976, ninety days after publication, was provided for most of the standard, to permit necessary modifications in equipment to be made and to insure that affected employers and employees would be informed of the existence of the standard and of its terms. A delay of the effective date until September 7, 1976, was provided for the requirements of paragraph (c)(5) concerning electrical disconnect means, and a delay until June 30, 1977, was provided for paragraph (d), concerning cotton ginning equipment, to allow the cotton ginning industry approximately two off-seasons to make the changes necessary for compliance with the final rule.

The Occupational Safety and Health Administration (OSHA) intended to have available at the time of publication of its final standard informational and educational materials concerning the contents of this standard. The material would consist of a written publication with illustrations and a slide and tape presentation explaining the standard in such a way as to facilitate understanding and compliance by farmers and ranchers. Copies of this material were to be distributed to the OSHA regional offices. OSHA also had agreed to send copies of the material to the U.S. Department of Agriculture (USDA) for distribution to their state safety specialists at the offices of the agricultural extension service. There was a delay in the printing of this material which affected the distribution schedule that was envisioned during the preparation of the final standard.

Various interested persons, including members of Congress, the Office of the Secretary of Agriculture, the American Farm Bureau Federation, the National Grange, and the OSHA Standards Advisory Committee on Agriculture, have submitted comments concerning the importance of the availability of the OSHA informational material.

In assessing the importance of the educational material to the employers and employees, it is necessary to consider the uniqueness of agriculture as regards occupational safety and health. In the past, few occupational safety and health standards have applied to agriculture. Moreover, agriculture is a very diffuse industry with a large number of small employers. Therefore, it is reasonable that a longer lead time is necessary to inform employers and employees about the coverage of an occupational safety and health standard than with other industries. This lead time for training is especially important in view of the need to make equipment modifications in order to comply with the standard.

It is now anticipated that the material will be available in approximately three

weeks. Accordingly, it has been determined that the effective date of this standard should be October 25, 1976. This coincides with the scheduled effective date of the occupational safety and health standard for roll-over protective structures (ROPS), §§ 1928.51, 1928.52 and 1928.53 of this chapter.

The date specified in paragraph (a) (3) regarding application is being changed from June 7, 1976 to October 25, 1976.

The general effective date of this section is being changed from June 7, 1976 to October 25, 1976.

The effective date of paragraph (c) (5) concerning electrical disconnect means is changed from September 7, 1976 to October 25, 1976.

Accordingly, under section 6 and section 8(g) (1) of the Occupational Safety and Health Act of 1970 (84 Stat. 1593, 1600; 29 U.S.C. 655, 657) and Secretary of Labor's Order No. 8–76 Part 1928 of Title 29 of the Code of Federal Regulations is amended as set forth below. Public notice and procedure on the postponement is impracticable because of the need to provide immediate notice thereof to affected employers.

Section 1928.57 of 29 CFR Part 1928 is amended by changing the dates in paragraph (a) (3) and by revising paragraph (a) (4) to read as follows:

§ 1928.57 Guarding of farm field equipment, farmstead equipment, and cotton gins.

(a) *General.* * * *

(3) *Application.* This section applies to all farm field equipment, farmstead equipment, and cotton gins, except that paragraphs (b) (2), (b) (3), and (b) (4) (ii) (A), and (c) (2), (c) (3), and (c) (ii) (A) do not apply to equipment manufactured before October 25, 1976.

(4) *Effective date.* This section takes effect on October 25, 1976, except that paragraph (d) of this section is effective on June 30, 1977.

* * * * *

(Secs. 6, 8(g) (1), Pub. L. 91–596, 84 Stat. 1593, 1600; (29 U.S.C. 655, 657); Secretary of Labor's Order No. 8–76.)

Signed at Washington, D.C. this 28th day of May 1976.

MORTON CORN,
Assistant Secretary of Labor.

[FR Doc.76–16069 Filed 6–1–76;8:45 am]

Title 32—National Defense

CHAPTER XX—INTERAGENCY CLASSIFICATION REVIEW COMMITTEE

PART 2000—ADMINISTRATIVE PROCEDURES

Submission Reports and Appeals Procedures

In FR Doc. 76–3865 appearing at page 6068 in the FEDERAL REGISTER of Wednesday, February 11, 1976, the following changes should be made:

1. On page 6068, Table of Contents, Subparts B, C, and D the section numbers are corrected to read as follows:

Subpart B—National Security Information or Material Reports

Sec.
2000.10 Original classification authorities.
2000.11 Classification abuses.
2000.12 Unauthorized disclosures.
2000.13 Mandatory declassification review actions.
2000.14 Annual review lists.
2000.15 Annual declassification list.
2000.16 Quarterly summary.
2000.17 Listing of national security material requiring protection beyond 30 years.

Subpart C—Appeals Procedures

2000.20 Notice of an appeal.
2000.21 Exhaustion of other remedies.
2000.22 Acceptance of appeal.
2000.23 Consideration of appeal.
2000.24 ICRC review.
2000.25 Decision.

Subpart D—Forms

2000.30 Scope of Part.
2000.31 Standard Forms.

2. On pages 6069 and 6070, Subparts B, C, and D the section numbers should be changed to read as set forth above.

Dated: May 20, 1976.

JAMES B. RHOADS,
Acting Chairman.

[FR Doc.76–15923 Filed 6–1–76;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 101—FEDERAL PROPERTY MANAGEMENT REGULATIONS

SUBCHAPTER H—UTILIZATION AND DISPOSAL

[FPMR Amendment H–96]

ADMINISTRATIVE CHANGES

This regulation provides agencies and other interested parties with revised terminology used in the GSA utlization and disposal program; reflects changes in organizational names; includes American Samoa, Guam, and the Trust Territory of the Pacific Islands as domestic elements in the various personal property rehabilitation, excess, donation, and surplus disposal programs; and extends utilization screening periods for excess nonreported property and donable surplus property.

PART 101–42—PROPERTY REHABILITATION SERVICES AND FACILITIES

1. Section 101–42.000 is revised as follows:

§ 101–42.000 Scope of part.

This part prescribes the policies and procedures governing the use by executive agencies of GSA regional term contracts, Federal Prison Industries, Inc., and Workshops for the Blind and Other Severely Handicapped for the maintenance, repair, rehabilitation, and reclamation of personal property and for the operation of facilities located within the United States, the Commonwealth of Puerto Rico, American Samoa, Guam, the Trust Territory of the Pacific Islands, and the Virgin Islands performing such services. Military weapons systems, Specialized military support equipment, and specialized technical and scientific equipment are exempt from this part.

2. Section 101–32.001 through 101–42.001–4 are revised as follows:

§ 101–42.001 Definitions.

For the purposes of this Subchapter H the following terms shall have the meanings set forth in this section.

§ 101–42.001–1 Maintenance.

"Maintenance" means the scheduled cleaning, servicing, and adjustment necessary to keep an article in a serviceable or satisfactory operating condition.

§ 101–42.001–2 Repair.

"Repair" means the restoration of an article to a serviceable and/or operable condition.

§ 101–42.001–3 Rehabilitation.

"Rehabilitation" means the restoration, reconditioning, renovation, or repair of serviceable/unserviceable or operable/inoperable articles to a near new condition. The word "rehabilitation" is also used in a generic sense to encompass services covered by this Part 101–42.

§ 101–42.001–4 Reclamation.

"Reclamation" means the recovery from articles of personal property of precious metals or critical materials having intrinsic value.

PART 101–43—UTILIZATION OF PERSONAL PROPERTY

1. The table of contents for Part 101–43 is amended to reserve § 101–43.104, delete §§ 101–43.104–1 through 101–43.104–21 and § 101–43.313–9a, and add the following new and revised entries:

Sec.
101–43.000 Scope of part.
101–43.001 Definitions.
101–43.001–1 Nuclear Regulatory Commission-controlled materials.
101–43.001–2 Combat materiel.
101–43.001–3 Contractor inventory.
101–43.001–4 Controlled substances.
101–43.001–5 Excess personal property.
101–43.001–6 Executive agency.
101–43.001–7 Federal agency.
101–43.001–8 Foreign excess personal property.
101–43.001–9 Holding agency.
101–43.001–10 Inspection.
101–43.001–11 Intangible personal property.
101–43.001–12 Materiel.
101–43.001–13 [Reserved]
101–43.001–14 Personal property.
101–43.001–15 Possessions.

1. Section 101–43.000 is revised as follows:

§ 101–43.000 Scope of part.

This part prescribes the policies and methods governing the economic and efficient utilization of personal property located within and outside the United States, the Commonwealth of Puerto Rico, American Samoa, Guam, the Trust Territory of the Pacific Islands, and the Virgin Islands, except that Subpart 101–32.3 prescribes the policies and procedures governing the worldwide reutilization of excess automatic data processing equipment and supplies.

2. Sections 101–43.001 through 101–43.001–24 are added as follows:

§ 101–43.001 Definitions.

For the purpose of this Subchapter H the following terms shall have the meanings set forth in this section.

§ 101–43.001–1 Nuclear Regulatory Commission-controlled materials.

"Nuclear Regulatory Commission-controlled materials" means those materials the possession, use, and transfer of which are subject to the regulatory controls of the Nuclear Regulatory Commission (NRC) pursuant to the Energy Reorganization Act of 1974. The materials are defined as follows:

(a) "Byproduct material" means any radioactive material (except special nuclear material) yielded in or made radioactive by exposure to the radiation incident to the process of producing or utilizing special nuclear material. (See 10 CFR Part 30.)

(b) "Source material" means (1) uranium or thorium, or any combination thereof, in any physical or chemical form or (2) ores which contain by weight one-twentieth of 1 percent (0.05 percent) or more of (i) uranium, (ii) thorium, or (iii) any combination thereof. Source material does not include special nuclear material. (See 10 CFR Part 40.)

(c) "Special nuclear material" means (1) plutonium, uranium 233, uranium enriched in the isotope 233 or in the isotope 235, and any other material which NRC, pursuant to the provisions of the Energy Reorganization Act of 1974, determines to be special nuclear material, but does not include source material or (2) any material artificially enriched by any of the foregoing. (See 10 CFR Part 70.)

§ 101–43.001–2 Combat materiel.

"Combat materiel" means arms, ammunition, and implements of war listed in currently effective designations (22 U.S.C. 1934).

§ 101–43.001–3 Contractor inventory.

"Contractor inventory" means any property acquired by and in the possession of a contractor or subcontractor (including Government furnished property) under a contract pursuant to the terms of which title is vested in the Government, and in excess of the amounts needed to complete full performance under the entire contract; and any property which the Government is obligated or has the option to take over under any type of contract as a result either of any changes in the specifications or plans thereunder or of the termination of the contract (or subcontract thereunder), prior to completion of the work, for the convenience or at the option of the Government.

§ 101–43.001–4 Controlled substances.

"Controlled substances" means: (a) Any narcotic, depressant, stimulant, hallucinogenic drug, or any other drug or other substance or immediate precursor included in Schedules I, II, III, IV, or V of section 202 of the Controlled Substances Act (21 U.S.C. 812) except exempt chemical preparations and mixtures and excluded substances listed in 21 CFR Part 1308;

(b) Any other drug or substance which the Attorney General determines to be subject to control pursuant to Title II of the Comprehensive Drug Abuse Prevention and Control Act of 1970; or

(c) Any other drug or substance which by international treaty, convention, or protocol is to be controlled by the United States.

§ 101–43.001–5 Excess personal property.

"Excess personal property" means any personal property under the control of any Federal agency which is not required for its needs and the discharge of its responsibilities, as determined by the head thereof.

§ 101–43.001–6 Executive agency.

"Executive agency" means any executive department or independent establishment in the executive branch of the Government, including any wholly owned Government corporation.

§ 101–43.001–7 Federal agency.

"Federal agency" means any executive agency or any establishment in the legislative or judical branch of the Government (except the Senate, the House of Representatives, and the Architect of the Capitol and any activities under his direction).

§ 101–43.001–8 *Foreign* excess personal property.

"Foreign excess personal property" means any excess personal property located outside the States of the Union, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, Guam, the Trust Territory of the Pacific Islands, and the Virgin Islands.

§ 101–43.001–9 Holding agency.

"Holding agency" means the executive agency which has accountability for the property involved.

§ 101–43.001–10 Inspection.

"Inspection" means the critical examination of material to verify quantity, determine condition, or to compare actual characteristics with those given in applicable specifications. The term includes laboratory analyses and other technical testing operations which may be required.

§ 101–43.001–11 Intangible personal property.

"Intangible personal property" means personal property which includes but is not limited to such classes of personal property as patents, patent rights, processes, techniques, inventions, copyrights, negotiable instruments, money orders, bonds, shares of stock, and similar evidences of value, except as, in a given case or class of cases, may be excluded by the Administrator of General Services.

§ 101–43.001–12 Materiel.

"Materiel" means any item necessary for the equipment, maintenance, operation, and support of governmental activities without distinction regarding its use for administrative or operational purposes.

§ 101–43.001–13 [Reserved]

§ 101–43.001–14 Personal property.

"Personal property" means property of any kind or any interest therein, except real property, records of the Federal Government, and naval vessels of the following categories: battleships, cruisers, aircraft-carriers, destroyers, and submarines.

§ 101–43.001–15 Possessions.

"Possessions" includes the Virgin Islands, the Canal Zone, Guam, American Samoa, Wake Island, Midway Island, and the Guano Islands, but does not include the Commonwealth of Puerto Rico.

§ 101–43.001–16 Related personal property.

"Related personal property" means personal property which is located on or is an integral part of real property, or used or useful in connection with such property or the productive capacity thereof, or determined by the Administrator of General Services to be otherwise related to the real property.

§ 101–43.001–17 Salvage.

"Salvage" means personal property that has some value in excess of its basic material content but which is in such condition that it has no reasonable prospect of use for any purpose as a unit (either by the holding or other Federal agency), and its repair or rehabilitation for use as a unit is clearly impracticable. Repairs or rehabilitation estimated to cost in excess of 65 percent of acquisition cost would be considered "clearly impracticable" for purposes of this definition.

§ 101–43.001–18 Scrap.

"Scrap" means personal property that has no value except for its basic material content.

§ 101–43.001–19 Screening period.

"Screening period" means the calendar period of time measured, in the case of reportable excess personal property, from the day following receipt of a report, as prescribed by § 101–43.311–2, in the appropriate GSA office, or in the case of nonreportable excess personal property, from the day following the date of the determination by the holding agency that the property is available for screening as excess, to and including the day of the surplus release date.

§ 101–43.001–20 Surplus personal property.

"Surplus personal property" means any excess personal property not required for the needs and the discharge of the responsibilities of all Federal agencies, as determined by the Administrator of General Services.

§ 101–43.001–21 Surplus release date.

"Surplus release date" means the predetermined date on which Federal utilization screening of excess personal property is terminated, and the property is considered available for disposition as surplus. The date signifies the transition of the property from excess to surplus status. In some publications concerned with personal property management procedures, the words "Automatic Release Date" or "ARD" are used to designate this date.

§ 101–43.001–22 Trust territory.

"Trust territory" means the Trust Territory of the Pacific Islands, which the United States administers pursuant to the trusteeship agreement approved by the President of the United States pursuant to the Act of July 18, 1947 (48 U.S.C. 1681 note).

§ 101–43.001–23 Typewriters.

"Typewriters" means the manually and electrically operated machines having standard or special keyboards designed to produce printed characters by impression of type upon paper through the medium of an inked ribbon. It includes the Vari-Typer, Hektowriter, proportional spacer, Flexowriter, Justowriter, and portable type machines but does not include bookkeeping, billing, or teletype machines.

§ 101–43.001–24 United States.

"United States" means in the geographical sense all the 50 States and the District of Columbia.

Subpart 101–43.1—General Provisions

§ 101–43.104 [Reserved]

§§ 101–43.104–1 through 101–43.104–21 [Removed]

Section 101–43.104 is deleted and reserved and §§ 101–43.104–1 through 101–43.104–21 are deleted.

Subpart 101–43.3—Utilization of Excess

1. Section 101–43.306 is revised as follows:

§ 101–43.306 Property not required to be reported.

Excess property which is not required to be reported to GSA in accordance with this Part 101–43 is a valuable source of supply for Federal agencies. Regional offices and area utilization officers of GSA are responsible for local screening of such property, for making it available to Federal agencies, and for consummating its expeditious transfer. Holding agencies shall cooperate with GSA representatives in making information available and in providing access to the nonreportable excess property. To the extent such property is not covered by GSA utilization screening processes, each agency shall make reasonable efforts to obtain utilization among other Federal agencies of property having utilization potential. In the case of controlled substances (as defined in § 101–43.001–4) solicitation shall be limited to those agencies listed in § 101–43.309.

2. Section 101–43.313–7 is revised as follows:

§ 101–43.313–7 Nuclear Regulatory Commission-controlled materials.

Nuclear Regulatory Commission-controlled materials (as defined in § 101–43.001–1) are exempt from reporting to GSA as excess personal property. Transfers of such materials shall be made in accordance with applicable regulations of NRC. (See 10 CFR Parts 30, 40, and 70.)

3. In § 101–43.313–9 paragraphs (b), (f), and (j) are revised as follows:

§ 101–43.313–9 Shelf-life items.

* * * * *

(b) Drugs and biologicals requiring refrigeration or deep freeze, medical shelf-life items held for national emergency purposes (see § 101–43.313–10), subsistence items, and ammunition are excepted from the provisions of this section.

* * * * *

(f) Shelf-like items which have a remaining useful life of 3 or more months before reaching the expiration date, but which are not reported, shall be made available for utilization by other Federal agencies as provided in § 101–43.306. Documents listing such items shall identify the items by carrying the designating symbol "SL," shall show the expiration date, and in the case of items with an extendible-type expiration date, shall indicate whether the expiration date is the original or an extended date. A surplus release date shall be established by the holding agency upon determination that such items are excess so as to provide a minimum of 21 calendar days for selection or set-aside of the items for Federal utilization. The surplus release date may be extended by the holding agency when such items are selected by an authorized screener for transfer or set aside by a GSA representative for potential or actual transfer.

* * * * *

(j) Shelf-life items determined to be surplus in accordance with paragraph (i) of this section shall not be disposed of until a period of 21 calendar days has been afforded for donation program screening in accordance with Part 101–44. In the event that no donation action is initiated during the period afforded for donation screening, items may be offered for sale or other disposition at the termination of the donation screening period in accordanee with Part 101–45.

4. Section 101–43.313–9a is redesignated as § 101–43.313–10 and is revised as follows:

§ 101–43.313–10 Medical shelf-life items held for national emergency purposes.

(a) Whenever the head of an executive agency determines that the remaining storage or shelf life of medical materials or supplies held for national emergency purposes is of too short duration of justify their continued retention for such purposes and that their transfer or disposal would be in the best interest of the United States, those materials or supplies shall be considered to be excess personal property. To the greatest extent practicable, the above determination shall be made at such time as to ensure that the medical materials or supplies can be transferred or otherwise disposed of in sufficient time to permit their use before the shelf life expires, and they are unfit for human use.

(b) Medical materials and supplies held by an agency for national emergency purposes and determined to be excess may be exchanged with another Federal agency without prior approval of GSA and without regard to the provisions of Part 101–46. Such exchanges, however, shall be only for other medical materials or supplies to be held for national emergency purposes.

(c) Medical shelf-life items held for national emergency purposes which have a remaining useful life of 3 or more months before the expiration date and which are not otherwise exchanged as provided in paragraph (b) of this section shall be reported as excess in accordance with § 101–43.311. Each agency may also report medical shelf-life items not required to be reported by § 101–43.311. The Standard Form 120, Report of Excess Personal Property, shall identify the items as medical shelf-life items held for national emergency purposes by carrying the designating symbol "MSL" and

by showing the shelf-life expiration date. Information shall also be furnished regarding whether the expiration date is the original or the extended date. Further, whenever medical shelf-life items held for national emergency purposes are reported as excess on Standard Form 120, any specialized storage requirements pertaining to the items listed thereon shall be noted on the report.

(d) Normally, medical shelf-life items held for national emergency purposes and reported in accordance with paragraph (c) of this section will be given a surplus release date effective 60 calendar days after the receipt of the report in the appropriate GSA office. This date may be shortened or extended according to utilization objectives and the remaining useful shelf life. However, CSA offices will handle the screening of medical shelf-life items to permit their use before the shelf life expires, and the items are unfit for human use.

(e) Medical shelf-life items held for national emergency purposes which have a remaining useful life of 3 or more months and which are not reportable in accordance with § 101–43.4901 shall be made available for use by another Federal agency as provided in § 101–43.306. Upon determination that such items are excess, a surplus release date shall be established by the holding agency providing a minimum of 21 calendar days for selection of the items for Federal use. In the instance of controlled substances (as defined in § 101–43.001–4), each agency shall comply with §§ 101–43.309 and 101–43.313–1.

(f) Transfers among Federal agencies of medical materials and supplies held for national emergency purposes and determined to be excess shall be accomplished in accordance with § 101–43.315, except that such transfers shall be made upon such terms and prices as shall be agreed to by the Federal agencies concerned (including the organizations specified in § 101–46.301). Proceeds from such transfers may be credited to the current applicable appropriation or fund of the transferring agency and shall be available only for the purchase of medical materials or supplies for national emergency purposes.

(g) Medical materials and supplies held for national emergency purposes and determined excess property, for which a surplus release date has been established in accordance with paragraphs (d) or (e) of this section, and which are not transferred to other agencies, shall become surplus at the close of business on the surplus release date.

(h) Medical materials and supplies held for national emergency purposes and determined to be surplus shall not be disposed of until after the 21 calendar days for donation program screening in accordance with Part 101–44. If no donation action is initiated during the period for donation screening, items shall be disposed of in accordance with Part 101–45.

5. Section 101–43.313–10 is redesignated as § 101–43.313–11 and is revised as follows:

§ 101–43.313–11 Nonappropriated fund property.

(a) Nonappropriated fund property determined to be excess shall be made available for transfer as provided in this Part 101–43.

(b) Transfers of excess nonappropriated fund property shall be made upon such terms as shall be agreed upon by the owning agency and the receiving agency. However, agencies offering such property for transfer shall not require reimbursement greater than the best estimate of the gross proceeds if the property were to be sold on a competitive bid or the dollar value offered on a trade-in.

6. Section 101–43.316–1(a)(4) is revised as follows:

§ 101–43.316–1 Utilization.

(a) * * *

(4) Nuclear Regulatory Commission-controlled materials.

* * * * *

7. Section 101–43.318–2 is revised as follows:

§ 101–43.318–2 Nonreportable property.

Property excepted from the reporting requirements of § 101–43.311 shall become surplus when, after determination by the holding agency that it is excess, the property has been held available for Federal use for a minimum of 21 calendar days in accordance with the provisions of § 101–43.306 and has not been selected for transfer to other Federal agencies. Holding agencies shall annotate property records in a manner that will indicate to authorized Federal agency representatives the date of the excess determination by the holding agency. The surplus release date will be the day on which the Federal utilization screening period ends, and the property will become surplus at the close of business on that day. The surplus release date will normally occur 21 calendar days after the holding agency determines the property to be available for screening as excess, unless extended by GSA. Authorized Federal agency representatives may request and, with the approval of GSA, holding agencies will grant additional time not to exceed 30 calendar days unless otherwise agreed to by the holding agency concerned to complete selection for Federal use when the time provided is insufficient. Any additional extension of time shall be as mutually agreed upon by the holding agency and the GSA regional office concerned. The release as surplus of property not transferred to other Federal agencies will be deferred by the same lengths of time. During the screening period following the determination that the property is excess, no holding agency shall take for its use any property in its custody which has been selected by a GSA area utilization officer for further screening or transfer for utilization, except with the approval of the appropriate GSA regional office; provided that holding activities may withdraw such property to meet their essential emergency requirements without this prior approval. The appropriate GSA regional office shall be notified of any such actions. This section is applicable to all nonreportable excess property other than perishables, dangerous property, classified property, trading stamps, and Nuclear Regulatory Commission-controlled materials.

Subpart 101–43.4—Utilization of Abandoned and Forfeited Personal Property

1. Section 101–43.400 is revised as follows:

§ 101–43.400 Scope of subpart.

This Subpart 101–43.4 prescribes the policies and methods for the utilization and transfer within the Government of forfeited or voluntarily abandoned personal property subject to the provisions of 40 U.S.C. 304 (f) through (m) and abandoned and other unclaimed property found on premises owned or leased by the Government subject to the provisions of 40 U.S.C. 484(m), which may come into the custody or control of any Federal agency in the United States, the Commonwealth of Puerto Rico, American Samoa, Guam, the Trust Territory of the Pacific Islands, or the Virgin Islands. Property in this category located elsewhere shall be utilized and transferred in accordance with the regulations of the agency having custody thereof.

2. Section 101–43.402–5 is amended as follows:

§ 101–43.402–5 Property required to be reported.

* * * * *

(d) * * *

(1) Controlled substances (as defined in § 101–43.001–4), regardless of quantity, condition, or acquisition cost, shall be reported to the Drug Enforcement Administration, Department of Justice, Washington, DC 20537.

* * * * *

PART 101–44—DONATION OF PERSONAL PROPERTY

1. The table of contents for Part 101–44 is amended to reserve Subpart 101–44.2 and § 101–44.706 and to add the following new entries:

Sec.

1. Section 101–44.000 is revised as follows:

§ 101–44.000 Scope of part.

This part prescribes policies and methods governing the donation of surplus personal property located within the United States, the Commonwealth of Puerto Rico, American Samoa, Guam, the Trust Territory of the Pacific Islands, and the Virgin Islands, and the donation of foreign excess personal property designated for return to the United States.

2. Sections 101–44.001 through 101–44.001–16 are added as follows:

§ 101–44.001 Definitions of terms..

For the purposes of this Subchapter H the following terms shall have the meanings set forth in this section.

§ 101–44.001–1 Agricultural commodity.

"Agricultural commodity" means a product resulting from the cultivation of the soil or husbandry on farms and in the form customarily marketed by farmers.

§ 101–44.001–2 Distilled spirits.

"Distilled spirits" means ethyl alcohol, hydrated oxide of ethyl, spirits of wine, whiskey, rum, brandy, gin, and other distilled spirits, including all dilutions and mixtures thereof.

§ 101–44.001–3 Donable property.

"Donable property" means surplus equipment, materials, books, or other supplies under the control of an executive agency (including surplus property in working capital funds established under 10 U.S.C. 2208, or in similar management-type funds) except:

(a) Such property as may be specified from time to time by the Administrator of General Services;

(b) Surplus agricultural commodities, food, and cotton or woolen goods determined from time to time by the Secretary of Agriculture to be commodities requiring special handling to assist him in carrying out his responsibilities with respect to price support or stabilization;

(c) Property in trust funds; or

(d) Nonappropriated fund property.

§ 101–44.001–4 Donee.

"Donee" means a service educational activity; a State, political subdivision, municipality, or tax-supported institution acting on behalf of a public airport; an eligible educational, public health, or civil defense institution or organization, acting by and through a State agency for surplus property; the American National Red Cross; a public body; or an eleemosynary institution.

§ 101–44.001–5 Educational institution.

"Educational institution" means any tax-supported school system, school, college, university, school for the mentally retarded, school for the physically handicapped, and radio or television station licensed by the Federal Communications Commission as an educational radio or educational television station, and any nonprofit school, college, university, school for the mentally retarded, school for the physically handicapped, and radio or television station licensed by the Federal Communications Commission as an educational radio or educational television station which are exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1954, and any public library which serves free all residents of a community, district, State, or region, and receives its financial support in whole or in part from public funds.

§ 101–44.001–6 Eleemosynary institution.

"Eleemosynary institution" means a nonprofit institution organized and operated for charitable purposes, whose net income does not inure in whole or in part to the benefit of shareholders or individuals, which shall have filed with the Regional Administrator, GSA Region 3, a satisfactory statement establishing such status.

§ 101–44.001–7 Local government.

"Local government" means a government, or administration of a locality, within a State or a possession of the United States.

§ 101–44.001–8 Malt beverage.

"Malt beverage" means a potion made by the alcoholic fermentation of an infusion or decoction, or combination of both, in potable brewing water, of malted barley with hops or their parts or products, and with or without other malted cereals, and with or without addition of unmalted or prepared cereals, other carbohydrates or products prepared therefrom, and with or without the addition of carbon dioxide, and with or without other wholesome products suitable for human food consumption.

§ 101–44.001–9 Motor vehicle.

"Motor vehicle" means a conveyance, self-propelled or drawn by mechanical power, designed to be principally operated on the streets and highways in the transportation of property or passengers.

§ 101–44.001–10 No commercial value.

"No commercial value" means personal property which is not usable and cannot economically be rehabilitated by anyone for use for the purposes for which it was originally intended, and can reasonably be expected to have no market value for use as an entity for any other purpose.

§ 101–44.001–11 Public body.

"Public body" means any State, territory, or possession of the United States, any political subdivision thereof, the District of Columbia, the Commonwealth of Puerto Rico, any agency or instrumentality of any of the foregoing, any Indian tribe, or any agency of the Federal Government.

§ 101–44.001–12 Public health institution.

"Public health institution" means any tax-supported medical institution, hospital, clinic, or health center, any other nonprofit medical institution, hospital, clinic, or health center which has been held exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1954, and any State department of health or other State agency designated by State law to receive property for and distribute it to such tax-supported and nonprofit medical institutions, hospitals, clinics, and health centers within the State.

§ 101–44.001–13 Service educational activity.

"Service educational activity" means any educational activity designated by the Secretary of Defense as being of special interest to the armed services; i.e., maritime academies or military, naval, Air Force, or Coast Guard preparatory schools.

§ 101–44.001–14 State.

"State" means the 50 States and the territories and possessions of the United States, including the District of Columbia and the Commonwealth of Puerto Rico.

§ 101–44.001–15 State agency for surplus property.

"State agency for surplus property" means the agency designated by State law to receive surplus personal property for distribution to eligible educational, public health, and civil defense institutions or organizations.

§ 101–44.001–16 Wine.

"Wine" means: (a) The product defined in 26 U.S.C. 5381 and 5385 as now in force or hereafter amended; and

(b) Other alcoholic beverages not so defined, but made in the manner of wine (including sparkling and carbonated wine); wine made from condensed grape must; wine made from other agricultural products than the juice of sound, ripe grapes; imitation wine; and compounds sold as wine, vermouth, cider, perry, and sake; in each instance only if containing not less than 7 percent and not more than 24 percent of alcohol by volume, and if for nonindustrial use.

3. Subpart 101–44.2 is deleted and reserved as follows:

Subpart 101–44.2 [Reserved]

Subpart 101–44.3—Donation for Educational, Public Health, and Civil Defense, Including Research or Public Airport Purposes

1. In § 101–44.304 paragraphs (a) and (b) are revised as follows:

§ 101–44.304 Donation screening period.

(a) A period of 21 calendar days following the surplus release date (see § 101–43.001–21) shall be provided to set aside surplus reportable and nonreportable property determined to be usable and necessary for donation purposes. Reportable surplus property will be set aside for donation when an application for donation is submitted to a GSA regional office for approval within the donation screening period, and an in-

formational copy is sent to the holding agency. Nonreportable surplus property will be set aside for donation upon notification to a holding agency within the donation screening period by a responsible Federal official or by an authorized donee representative that the property is usable and necessary for donation purposes. Each holding agency shall annotate nonreportable property records to indicate to authorized donee representatives or responsible Federal officials the date of the surplus determination by the holding agency.

(b) During the prescribed 21-day donation screening period, applications for surplus personal property will be processed by GSA regional offices in accordance with the following sequence:

* * * * *

2. In § 101–44.319 paragraph (b) is revised as follows:

§ 101–44.319 Expedited donation screening of surplus electronic property.

* * * * *

(b) *Availability of electronic property.* Surplus electronic property for which the holding activity maintains accountability by weight or line item, and which is salvage or scrap (as defined in §§ 101–43.001–17 or 101–43.001–18) may be made available for donation screening. This property will be classified under FSC Groups 58, 59, 66, and 69 but may include similar electronic items classified under other FCS Groups. Items which are not electronic items such as aircraft and missile parts and components, test or laboratory equipment, or maintenance equipment and supplies will not be included in the screening.

* * * * *

3. In § 101–44.321 paragraph (a) is revised as follows:

§ 101–44.321 Drugs, biologicals, and reagents other than controlled substances.

(a) Surplus drugs, biologicals, and reagents in FSC 6505 which are not required to be destroyed as provided in § 101–45.505 may be donated for educational, public health, and civil defense purposes. If the report of excess or other communication from the holding activity listing the drugs, biologicals, and reagents indicates any items which are unfit for human use, GSA will not offer these items for donation. Controlled substances (as defined in § 101–43.001–4) shall not be donated for any purpose.

* * * * *

Subpart 101–44.6—Donation of Abandoned and Forfeited Personal Property

Section 101–44.600 is revised as follows:

§ 101–44.600 Scope.

This subpart prescribes the policies and methods governing the donation by Federal agencies of abandoned and forfeited property in their custody or control in the United States, the Commonwealth of Puerto Rico, American Samoa, Guam, the Trust Territory of the Pacific Islands, and the Virgin Islands.

Subpart 101–44.7—Donation of Foreign Excess Personal Property

1. Section 101–44.706 is deleted and reserved as follows:

§ 101–44.706 [Reserved]

PART 101–45—SALE, ABANDONMENT, OR DESTRUCTION OF PERSONAL PROPERTY

1. The table of contents for Part 101–45 is amended to reserve Subpart 101–45.2 and to add the following new entries:

Sec.

101–45.001	Definitions of terms.
101–45.001–1	Auction.
101–45.001–2	Cotton or woolen goods.
101–45.001–3	Firearms.
101–45.001–4	Identical bids.
101–45.001–5	Line item.
101–45.001–6	Reviewing authority.
101–45.001–7	Small business concern.

Subpart 101–45.2 [Reserved]

2. Section 101–45.000 is revised as follows:

§ 101–45.000 Scope of part.

This part prescribes policies and methods governing the disposal by public sale, abandonment, or destruction of personal property (including salvage, scrap, and waste materials) owned by the Government when this property is no longer needed for use in authorized programs or is being replaced by a similar type of property and is located within the United States, the Commonwealth of Puerto Rico, American Samoa, Guam, the Trust Territory of the Pacific Islands, and the Virgin Islands.

3. Sections 101–45.001 thru 45.001–7 are added as follows:

§ 101–45.001 Definitions of terms.

For the purposes of this Subchapter H the following terms shall have the meanings set forth in this section.

§ 11–45.001–1 Auction.

"Auction" means a sale by outcry, orally soliciting bids by gradual increase using a rhythmic chant calling the amount bid and the increased amount being solicited until the highest bid is received.

§ 101–45.001–2 Cotton or woolen goods.

"Cotton or woolen goods" means any textile, article, or product resulting from the processing or manufacturing, in whole or in major part, of cotton or wool.

§ 101–45.001–3 Firearms.

"Firearms" means a weapon which is designed to expel a projectile or projectiles by the action of an explosive, and a muffler or silencer for the weapon.

§ 101–45.001–4 Identical bids.

"Identical bids" means two or more bids received for the same line item of an invitation for bids issued under formal advertising procedures which:

(a) Appear on the face of the bids to be identical as to unit price or total amount; or

(b) Are found, in the contracting agency's normal process of evaluating bids for award, to be identical as to unit price or total amount.

§ 101–45.001–5 Line item.

"Line item" means: (a) A single line entry on a reporting form which indicates a quantity of personal property located at any one activity having the same description, condition code, and unit cost; or

(b) An item of personal property specified in an invitation for bid which, under the terms of the invitation, is susceptible to a separate contract award.

§ 101–45.001–6 Reviewing authority.

"Reviewing authority" means a local, regional, or departmental board of review of an executive agency.

§ 101–45.001–7 Small business concern.

"Small business concern" means any concern or group of concerns which qualifies as a "small business concern" under governing standards of the Small Business Administration. (See 13 CFR Part 121.)

4. Subpart 101–45.2 is deleted and reserved as follows:

Subpart 101–45.2 [Reserved]

Subpart 101–45.3—Sale of Personal Property

In § 101–45.309–6 the introductory text is amended as follows:

§ 101–45.309–6 Controlled substances.

Surplus controlled substances (as defined in § 101–43.001–4) which are not required to be destroyed as provided in § 101–45.505 may be offered for sale by sealed bid in accordance with this Subpart 101–45.3 provided:

* * * * *

Subpart 101–45.4—Disposal of Abandoned and Forfeited Property

Section 101–45.400 is revised as follows:

§ 101–45.400 Scope of subpart.

This Subpart 101–45.4 prescribes the policies and methods governing the disposal of abandoned or other unclaimed, voluntarily abandoned, or forfeited personal property which may come into the custody or control of any Federal agency in the United States, the Commonwealth of Puerto Rico, American Samoa, Guam, the Trust Territory of the Pacific Islands, or the Virgin Islands. Property in this category located elsewhere shall be disposed of under the regulations of the agency having custody thereof.

PART 101–46—UTILIZATION AND DISPOSAL OF PERSONAL PROPERTY PURSUANT TO EXCHANGE/SALE AUTHORITY

1. The table of contents for Part 101–46 is amended to reserve Subpart 101–46.1 and to add the following new entries:

Sec.
101–46.001 Definitions of terms.
101–46.001–1 Acquire.

Subpart 101–46.1 [Reserved]

2. Sections 101–46.001 and 101–46.001–1 are added as follows:

§ 101–46.001 Definitions of terms.

For the purpose of this Subchapter H the following terms shall have the meanings set forth in this section.

§ 101–46.001–1 Acquire.

"Acquire" means procure, purchase, or obtain in any manner, except by lease, including transfer, or manufacture, or production at Government-owned or operated plants or facilities.

3. Subpart 101–46.1 is deleted and reserved as follows:

Subpart 101–46.1 [Reserved]

Subpart 101–46.2—Authorization

Section 101–46.202(d)(6) is revised as follows:

§ 101–46.202 Restrictions and limitations.

* * * * *

(d) * * *

(6) The sale, transfer, or exchange of Nuclear Regulatory Commission-controlled materials (as defined in § 101–43.001–1) except in accordance with applicable regulations of the Nuclear Regulatory Commission. (See 10 CFR Parts 30, 40, and 70.)

* * * * *

Subpart 101–46.4—Disposal

Section 101–46.407 is revised as follows:

§ 101–46.407 Reports.

Within 90 calendar days after the close of each fiscal year, executive agencies shall submit a summary report in letter form on the transactions made under this part during the fiscal year except for transactions involving books and periodicals. Negative reports are required. Total acquisition cost for property exchanged and total acquisition cost for property sold shall be furnished by two-digit Federal Supply Classification Groups. These data shall be separated into two categories: (a) The States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, Guam, the Trust Territory of the Pacific Islands, and the Virgin Islands; and (b) all other areas of the world. The summaries shall not include any property that was initially designated for exchange/sale but which was transferred for further Federal utilization. Reports shall be addressed to the General Services Administration (FW), Washington, DC 20406. The report required by this regulation has been assigned Interagency Reports Control Number 1528–GSN–AN as set forth in Subpart 101–11.–11 of this chapter.

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

Effective date. This regulation is effective June 2, 1976.

Dated: May 21, 1976.

TERRY CHAMBERS,
Acting Administrator of General Services.

[FR Doc.76–15888 Filed 6–1–76;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[FCC 76–429]

PART 63—EXTENSION OF LINES AND DISCONTINUANCE OF SERVICE BY CARRIERS

Application Procedures

Correction

In FR Doc 76–14722, appearing on page 20660 of the issue for Thursday, May 20, 1976, in § 63.52(b), the word "Commissioner" appearing in the sixth line should read as follows: "Commission".

[FCC 76–427]

PART 94—PRIVATE OPERATIONAL-FIXED MICROWAVE SERVICE

Revision and Consolidation of FCC Forms 402 and 402–S

Correction

In FR Doc. 76–14725 appearing in the issue for Thursday, May 20, 1976, on page 20679 in the third column, the second line of § 94.27(a)(1) the word "operation-fixed" should appear as follows: "operational-fixed".

[Docket No. 20508]

PART 76—CABLE TELEVISION SERVICES

Channel Capacity and Access Channel Requirements; Correction

In the matter of amendment of Part 76 of the Commission's rules and regulations concerning the cable television channel capacity and access channel requirements of § 76.251.

In the report and order in the above-entitled matter, FCC 76–313, adopted April 1, 1976, released May 13, 1976, and published in the FEDERAL REGISTER at 41 FR 20665, paragraph 8 of the Appendix is corrected to read as follows:

8. In § 76.305, paragraph (a)(7) is revised to read as follows and paragraph (c) is amended to delete "§§ 76.95(d), 76.205(c), 76.251(a)(11), 76.253(b)(3), and 76.311(f)" after the words "periods specified in" and substitute "§§ 76.95(d), 76.205(c), 76.221(f), 76.225(a), 76.256(d), and 76.311(f)."

§ 76.305 Records to be maintained locally by cable television systems for public inspection.

(a) * * *

(7) A copy of all records which are required to be kept by § 76.95(d) (network program nonduplication private agreements); § 76.205(c) (origination cablecasts by candidates for public office); § 76.221(f) (sponsorship identification); § 76.225(a) (subscription cablecasting); § 76.256(d) (operating rules for access channels); § 76.311(f) (equal employment opportunities);

* * * * *

Released: May 27, 1976.

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

[FR Doc.76–15398 Filed 6–1–76;8:45 am]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Service Order No. 1215; Amdt. No. 2]

PART 1033—CAR SERVICE

Chicago and North Western Transportation Co. Authorized To Operate Over Tracks of Soo Line Railroad Co.

MAY 27, 1976.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 26th day of May, 1976.

Upon further consideration of Service Order No. 1215 (40 FR 24906 and 40 FR 56444) and good cause appearing therefor:

It is ordered, That: Service Order No. 1215 be, and it is hereby, amended by substituting the following paragraph (e) for paragraph (e) thereof:

§ 1033.1215 Chicago and North Western Transportation Company authorized to operate over tracks of Soo Line Railroad Company.

* * * * *

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., November 30, 1976, unless otherwise modified, changed, or suspended by order of this Commission.

* * * * *

Effective date. This amendment shall become effective at 11:59 p.m., May 31, 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. Member William J. Love not participating.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-16001 Filed 6-1-76;8:45 am]

[Ex Parte No. MC-85]

PART 1062—SPECIAL REGULATIONS FOR FOR-HIRE MOTOR CARRIERS ENGAGED IN THE TRANSPORTATION FOR RECYCLING OR REUSE OF "WASTE" PRODUCTS OF RECOGNIZED POLLUTION CONTROL PROGRAMS

General Motor Carrier Licensing

The Interstate Commerce Commission is concerned with our environment and with the deterioration of our natural surroundings caused by pollution and by the misuse and depletion of our land and natural resources. In response to this concern it instituted a proceeding to examine whether a streamlined application procedure is required to allow motor carriers to transport "waste" products for reuse and recycling in furtherance of a recognized pollution control program.

One of the major efforts presently underway to clean up the environment is the establishment of collection centers for containers, glass bottles, newspapers, and other items which have heretofor contributed to the Nation's serious litter problem. These items, however, can be returned to the manufacturing process for recycling and reuse. This prospect has the dual benefit of conserving natural resources by less dependence on virgin materials and by helping to alleviate the litter problem.

It is evident that transportation necessarily will play a large part in any effort to channel "waste" products back into the manufacturing cycle. It is often the case that these collection centers are not located in close proximity to the manufacturing plants where they can be recycled. Many sponsors of such recycling programs have indicated that the lack of adequate motor carrier transportation (the availability of for-hire motor carriers possessing the requisite authority to haul these commodities) has been a serious problem.

The Commission on its own motion instituted a proceeding in order to examine whether there was some action it could take among the for-hire motor carriers it regulates to encourage carriers to transport the recyclable commodities pursuant to the pollution control programs. It was recognized that the commodities involved are generally of low value and not that attractive to motor carriers, especially considering the procedures which are normally involved in obtaining authority for their transportation. It concluded that the best method for encouraging motor carriers to participate in the movement of "waste" products for reuse would be to substantially reduce the procedures and time which are normally required when a motor carrier applies for authority to transport a specific commodity over a specified route.

In order to do this, the Commission instituted a rulemaking proceeding pursuant to sections 204, 206, 207, 208, and 210 of the Interstate Commerce Act and sections 553 and 559 of the Administrative Procedure Act in order to determine prospectively whether the public convenience and necessity require adoption of the special procedures for motor carriers seeking authority to transport "waste" products in furtherance of recognized pollution control programs. The Commission has determined that the operations as proposed will serve a useful public purpose, responsive to a public demand or need; that it cannot be served as well by existing carriers, and that the new service can be instituted without endangering or impairing the operations of existing carriers. Consequently, a Special Certificate of Public Convenience and Necessity has been issued.

While the Commission has found that a public need exists for this new service, there are certain factual questions which must be examined before a motor carrier may transport traffic pursuant to this Special Certificate. Therefore, a carrier seeking to participate must file a sworn and notarized statement setting forth, among other things, a copy of the carrier's tariff pursuant to which the service authorized will be performed, a statement describing the pollution control program or programs in which the carrier intends to participate, a statement of operational feasibility, and a statement demonstrating applicant's fitness. In addition, the sponsors of pollution control programs in which a carrier intends to participate must also file a sworn and notarized statement indicating, among other things, the specific commodities they seek to have transported, whether these commodities have been transported in the past, and, if so, by what means of transportation, and whether there exists an organized and regular campaign against litter. Once these statements have been received, the Commission will publish a notice in the FEDERAL REGISTER indicating the carrier's intent to participate in the Special Certificate. Protests to the notice must be received by the Commission within 20 days of the date of that publication, and the carrier may commence operations within 30 days of publication unless notified by the Commission that it is ineligible to participate.

In order to encourage carriers to seek participation in this service, the traditional filing fee and the requirement to file an annual report are not required.

Issued at Washington, D.C., April 6, 1976.

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 6th day of April 1976.

It appearing, That the Commission, on the date hereof has made and filed its report in this proceeding setting forth its conclusions and findings and its reasons therefor, which report is hereby referred to and made a part hereof;

It is ordered, That Subchapter A of Chapter X of Title 49 of the Code of Federal Regulations be, and it is hereby, modified by changing Part 1062 to read as set forth below.

And it is further ordered, That notice of regulations adopted in this report shall be given to the general public by depositing a copy of this order and the attached notice in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection, and by delivering a copy of the notice to the Director, Office of the Federal Register for publication in the FEDERAL REGISTER as notice to interested persons.

[49 U.S.C. 304, 306, 307, 308, and 310, and 5 U.S.C. 553 and 559]

By the Commission.

ROBERT L. OSWALD,
Secretary.

Section 1062.1 is revised to read as follows:

§ 1062.1 Special procedures for for-hire motor carriers engaged in the transportation for recycling or reuse of "waste" products in furtherance of recognized pollution control programs.

(a) *Scope of special rules.* These special rules govern the filing and handling of applications seeking the right to operate pursuant to a special certificate of public convenience and necessity authorizing operations in interstate or foreign commerce, by motor vehicle over irregular routes, of "waste" products for recycling or reuse in furtherance of recognized pollution control programs, between all points in the United States (including Alaska and Hawaii), subject to certain terms, conditions, and restrictions set forth in the certificate in paragraph (e) of this section.

(b) *Applications for a special certificate.* Motor carriers desiring to perform operations pursuant to the special certificate of public convenience and necessity set forth in paragraph (e) of this section must file with this Commission a sworn and notarized request (which may be in letter form) containing the following: (1) The name and address of the carrier's representative to whom inquiries may be made, (2) the designation of the carrier's statutory agent for service of process within each of the United States (Form BOC-3), (3) evidence of the carrier's insurance coverage (Forms BMC-90 and BMC-91) or a statement that such evidence is currently on file at this Commission, (4) a copy of the carrier's tariff (in addition to the three copies filed with this Commission's Bureau of Traffic) pursuant to which the service authorized by these rules will be performed, which tariff must specify (i) the territory or points to be served, (ii) the specific commodities to be transported, and (iii) the rates to be charged (said tariff cannot be made effective for at least 30 days after the date such tariff

is filed with this Commission unless special permission has been granted), (5) a statement that all State regulatory agencies have been notified of the carrier's application to become a party to the special certificate embodied in paragraph (e) of this section, (6) a statement describing the pollution control program or programs in which the carrier intends to participate, (7) a statement of operational feasibility, and (8) a statement demonstrating the applicant's fitness to perform the involved service. In addition a sworn and notarized statement (which may also be in letter form) from the sponsors of the pollution control program or programs must be filed and it must contain the following information: (i) The identity of the sponsors of the recognized pollution control program, (ii) the specific commodities they seek to have transported, (iii) whether these commodities have been transported in the past, and, if so, by what means of transportation, and (iv) whether there exists an organized and regular campaign against litter, and, if so, a description of such goals, the standards to achieve such goals, and personnel continuously engaged in pursuit of these goals.

(c) *Waiver of certain filing requirement.* Section 220(a) of the act respecting the filing of annual reports is suspended as to the operations authorized in the special certificate set forth in paragraph (e) of this section.

(d) *Notice.* This Commission will publish a notice in the FEDERAL REGISTER indicating the carrier's intention to participate in the special certificate of public convenience and necessity. Protests to such notices must be received at the Commission at Washington, D.C., within 20 days of the date of that publication. If the carrier is not otherwise informed by this Commission, operations may commence within 30 days of the date of publication in the FEDERAL REGISTER.

(e) *Certification.* Appropriate acknowledgement letters will be issued to notify motor carriers that they have been found eligible to operate pursuant to the special certificate of public convenience and necessity which reads as follows:

SPECIAL CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY; EX PARTE NO. MC-85

DESIGNATED MOTOR CARRIERS PARTICIPATING IN THE TRANSPORTATION OF "WASTE" PRODUCTS FOR RECYCLING OR REUSE IN FURTHERANCE OR RECOGNIZED POLLUTION CONTROL PROGRAMS

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 6th day of April 1976.

After due investigation, It appearing that the described carriers have complied with all applicable provisions of the Interstate Commerce Act, and the requirements, rules, and regulations prescribed thereunder, and, having complied with all the requirements established by the Commission in its report in Ex Parte No. MC-85, entered April 6, 1976, are, therefore, entitled to receive authority from this Commission to engage in transportation in interstate or foreign commerce as motor carriers; and the Commission so finding:

It is ordered, That the said carriers be, and they are hereby, granted this special certificate of public convenience and necessity as evidence of the authority of the holders to engage in transportation in interstate or foreign commerce as common carriers by motor vehicle subject, however, to such terms, conditions, and limitations as are now, or may hereafter be, attached to the exercise of the privileges herein granted to the said carriers.

It is further ordered, And is made a condition of this certificate that the holders thereof shall render reasonably continuous and adequate service to the public in pursuance of the authority granted, and that failure to do so shall constitute sufficient grounds for suspension, change, or revocation of this certificate as to any such holder.

And it is further ordered, That the transportation service to be performed by the said carriers in interstate or foreign commerce shall be as follows:

Between all points in the United States, in the Transportation of "waste" products for recycling or reuse in the furtherance of recognized pollution control programs.

TERMS, CONDITIONS, AND LIMITATIONS

The authority granted herein to the extent that it duplicates any authority heretofore granted to or now held by the said participating carrier shall not be construed as conferring more than one operating right.

Any motor carrier with contract carrier authority to transport commodities similar to those authorized in the above-described certificate for any of the shippers participating in pertinent pollution control programs shall not be permitted to transport the involved commodities for the same shipper as a common carrier under the authority granted herein. The right of the Commission to impose in the future such terms, conditions, or limitations as may be necessary to insure that any participating carrier's operations conform to the requirements of the Interstate Commerce Act, including section 210 thereof, is hereby expressly reserved.

The authority granted herein does not authorize the transportation of newly manufactured commodities or commodities not in the recycling process in furtherance of a recognized pollution control program.

The authority granted herein shall not hereinafter be severed by sale or otherwise.

The authority granted herein will expire 3 years from the date of approval unless a request for extension is submitted not earlier than 2 years after the date of issuance nor later than 90 days before the expiration date; and that such request for extension must include a performance report documenting (a) the commodities transported, (b) the quantity of traffic, (c) revenues derived therefrom, (d) origins and destinations of traffic handled, and (e) any other pertinent data; and that the present and future public convenience and necessity warrant granting the extension.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-16000 Filed 6-1-76;8:45 am]

Title 24—Housing and Urban Development

CHAPTER II—OFFICE OF ASSISTANT SECRETARY FOR HOUSING PRODUCTION AND MORTGAGE CREDIT, FEDERAL HOUSING COMMISSIONER, FEDERAL HOUSING ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. R-76-336]

PART 275—LOW RENT PUBLIC HOUSING PROTOTYPE COST LIMITS; KANSAS

New Prototype Cost Area

In the FEDERAL REGISTER issued June 10, 1975 (40 FR 24818), prototype per unit cost schedules were published pursuant to section 15(5) of the United States Housing Act of 1937. Consideration of subsequent factual project cost data and other information received from the Topeka, Kansas Insuring Office indicates that a new prototype cost area should be established for Holton, Kansas.

Written data, views or statements should be filed with the Director, Office of Underwriting Standards, HUD Central Office, 451 7th Street, S.W., Room 6156, Washington, D.C. 20410, and a copy should be sent to the local HUD Area Office. The offices were listed in our publication of June 10, 1975.

The new prototype per unit cost schedule reflects cost limits as of May 1, 1976, for the new area, and will be included in the upcoming 1976 Annual Update of Prototype Cost Limits.

Accordingly, 24 CFR, Part 275 is amended as follows: Following Page 40 FR 24864, in the appendix, add a new prototype per unit cost schedule for Holton shown on the table set forth hereinafter entitled Prototype Per Unit Cost Schedule—Region VII.

(Sec. 7(d) of Dept. of HUD Act, 42 U.S.C. 3535(d).)

Effective date: This amendment is effective June 2, 1976.

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

Prototype per unit cost schedule—region VII

	0 bedrooms	1 bedroom	2 bedrooms	3 bedrooms	4 bedrooms	5 bedrooms	6 bedrooms
Holton, Kans.:							
Detached and semidetached	14,900	18,000	22,250	26,400	31,800	35,400	37,100
Row dwellings	12,950	15,450	19,200	22,800	27,500	30,700	32,000
Walk-up	10,850	13,600	17,250	20,300	23,550	26,050	27,200
Elevator-structure	18,450	21,400	27,050				

[FR Doc.76-15925 Filed 6-1-76;8:45 am]

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

[Docket No. FI-1192]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

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

Insurance policies can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurers Association servicing company for the state (addresses are published at 40 FR 57210–212 and 41 FR 1062). A list of servicing companies is also available from the Federal Insurance Administration (FIA), HUD, 451 Seventh Street, S.W., Washington, D.C. 20410.

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

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

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

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

§ 1914.4 List of eligible communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	Community number
*	*	*	*	*	*
Alabama	Russell	Phenix City, city of	May 24, 1976, emergency		010184
Arkansas	Pope	Dover, city of	do	Apr. 18, 1975	050321
Georgia	Jefferson	Stapleton, town of	do	Apr. 4, 1975	130433
Kentucky	Carroll	Worthville, city of	do	Jan. 23, 1974	210049
New Hampshire	Sullivan	Grantham, town of	do	Jan. 24, 1975	330158
Pennsylvania	Armstrong	Pine, township of	do	Sept. 20, 1974	421312
Do	Montgomery	Upper Salford, township of	do	Dec. 6, 1974	421918
West Virginia	Lincoln	Unincorporated areas	do	July 18, 1975	540088
*	*	*	*	*	*
Alabama	Pickens	Unincorporated areas	May 25, 1976, emergency	Jan. 17, 1975	010283
Georgia	Fayette	Fayetteville, city of	do	Apr. 25, 1975	130431
Michigan	Genesee	Goodrich, village of	do		260397
Nebraska	Butler	Linwood, village of	do	Oct. 25, 1974	310028A
New York	Chenango	North Norwich, town of	do	Feb. 21, 1975	361089
Ohio	Huron	Wake Man, village of	do	Nov. 9, 1973	390288
Oklahoma	Ottawa	Picher, city of	do		400159
Wisconsin	Waukesha	Lac LaBell, village of	do	Jan. 31, 1975	550565
*	*	*	*	*	*
New York	Lewis	Port Leyden, village of	May 26, 1976, emergency	July 11, 1975	361064
*	*	*	*	*	*
Connecticut	New London	Lebanon, town of	May 27, 1976, emergency	Jan. 24, 1975	090155
Illinois	Pike	Florence, village of	do	Dec. 17, 1973 Jan. 30, 1976	170552A
Missouri	Barry	Exeter, city of	do	June 27, 1975	290590
New York	Columbia	Valatie, village of	do		361508A
North Dakota	Bottineau	Willow City, city of	do	Nov. 15, 1974	380011
*	*	*	*	*	*
Missouri	Worth	Grant City, city of	May 28, 1976, emergency	July 11, 1975	290738
New York	Cattaraugus	Mansfield, town of	do	May 31, 1974	360085
Do	St. Lawrence	Pierrepont, town of	do	Jan. 17, 1975	361427
North Carolina	Wilkes	Unincorporated areas	do	Dec. 20, 1974	370256
Ohio	Hamilton	Addyston, village of	do	Mar. 1, 1974	390205
Do	Trumbull	Orangeville, village of	do	Apr. 18, 1975	390751
Wyoming	Albany	Laramie, city of	do	Apr. 5, 1974 Feb. 6, 1976	560002A

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

Issued: May 20, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76-15792 Filed 6-1-76;8:45 am]

proposed rules

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 923]

HANDLING OF SWEET CHERRIES GROWN IN DESIGNATED COUNTIES IN WASHINGTON

Grade, Size, Container Requirements

This notice proposes minimum grade, size, and container requirements for sweet cherries grown in central Washington for the period July 1, 1976, through June 30, 1977. The proposed requirements are designed to promote orderly marketing in the interest of producers and consumers.

The proposal would establish regulations, pursuant to the marketing agreement and Order No. 923 (7 CFR Part 923), regulating the handling of sweet cherries grown in designated counties in Washington. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

All persons who desire to submit written data, views, or arguments in connection with the proposal should file the same with the Hearing Clerk, Room 112A, U.S. Department of Agriculture, Washington, D.C. 20250, not later than June 16, 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 regulation reflects the Washington Cherry Marketing Committee's appraisal of the need for regulation and of the crop and current and prospective marketing conditions. It would become effective July 1, 1976, and is the same Cherry Regulation 14 (40 FR 27463) currently in effect through June 30, 1976. Shipments of sweet cherries from the production area will be in progress when the proposed requirements are to become effective.

Under the proposal, shipments of cherries would be required to grade U.S. No. 1 or better, except for a small increase in the tolerance for defects. The cherries would also need be $^{48}/_{64}$ inch in diameter or larger in all containers, except for those in face-packed containers, 20-pound containers or larger, or experimental containers, for which the minimum size would be $^{54}/_{64}$ inch. The proposed container requirements would specify the minimum amount of cherries, by weight, which need be in the various types of containers. Individual shipments of cherries up to 100 pounds sold for home use and not for resale would be excepted from the grade, size, and container requirements, if certain conditions were met to prevent their movement into commercial markets.

The proposed grade and size requirements are designed to ensure the shipment of ample supplies of cherries of the better grades and more desirable sizes in the interest of producers and consumers, and to maintain orderly marketing conditions by preventing the demoralizing effect on the market caused by the shipment of lower quality and smaller-sized cherries when more than ample supplies of the more desirable grades and sizes are available to serve consumers' needs. The proposed container requirements are designed to prevent deceptive packaging practices and to promote buyer confidence.

Section 923.315 is proposed to read as follows:

§ 923.315 Cherry regulation 15.

(a) *Grade and sizes.* During the period July 1, 1976, through June 30, 1977, no handler shall handle, except as otherwise provided in paragraphs (b) and (c) of this section, any lot of cherries unless such cherries meet each of the following applicable requirements:

(1) U.S. No. 1 grade except that the following tolerances, by count, of the cherries in the lot shall apply in lieu of the tolerances for defects provided in the United States Standards for Grades of Sweet Cherries:

(i) A total of 10 percent for defects including in this amount not more than 5 percent, by count, of the cherries in the lot, for serious damage, and including in this latter amount not more than one percent, by count, of the cherries in the lot, for cherries affected by decay: *Provided,* That the contents of individual packages in the lot are not limited as to the percentage of defects but the total of the defects of the entire lot shall be within the tolerances specified.

(2) At least 95 percent, by count, of the cherries in the lot shall measure not less than $^{48}/_{64}$ inch in diameter, except as hereinafter provided in paragraph (b) (2) (ii) and paragraph (a) (3) of this paragraph.

(3) At least 90 percent, by count, of the cherries in any lot of face-packed containers or any containers of 20 pounds, net weight, or more shall measure not less than $^{54}/_{64}$ inch in diameter and not more than 5 percent, by count, of such cherries may be less than $^{48}/_{64}$ inch in diameter.

(b) *Containers.* During the period July 1, 1976, through June 30, 1977, no handler shall handle any lot of cherries, unless such cherries are in containers which meet each of the following applicable requirements:

(1) The net weight of the cherries in any container having a capacity greater than that of a container with inside dimensions of 15⅛ by 10½ by 4 inches shall not be less than 20 pounds; and all containers of cherries shall contain at least 12 pounds, net weight, of cherries.

(2) Subject to the provisions of paragraphs (b) (2) (i) and (ii) hereof, shipments of cherries may be handled in such experimental containers as have been approved by the Washington Cherry Marketing Committee.

(i) All shipments handled in such containers shall be under the supervision of the committee; and

(ii) At least 90 percent, by count, of the cherries in any lot of such containers shall measure not less than $^{54}/_{64}$ inch in diameter, and not more than 5 percent, by count, of such cherries may be less than $^{48}/_{64}$ inch in diameter.

(c) *Exceptions.* Notwithstanding any other provisions of this section, any individual shipment of cherries which meets each of the following requirements may be handled without regard to the provisions of paragraph (a) and (b) of this section, and of § 923.41 and 923.55 of this part:

(1) The shipment consists of cherries sold for home use and not for resale;

(2) The shipment does not, in the aggregate, exceed 100 pounds, net weight, of cherries; and

(3) Each container is stamped or marked with the words "not for resale" in letters at least one-half inch in height.

(d) *Definitions.* Terms used in the marketing agreement and order shall, when used herein, have the same meaning as given to the respective term in said marketing agreement and order; "U.S. No. 1" and "diameter" shall have the same meaning as when used in the United States Standards for Grades of Sweet Cherries (7 CFR 51.2646–51.2660); and "face-packed" means that cherries in the top layer in any container are so placed that the stem ends are pointing downward toward the bottom of the container.

Dated: May 27, 1976.

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

[FR Doc.76-15983 Filed 6-1-76;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Insurance Administration

[24 CFR Part 1917]

[Docket No. FI-1193]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

City of Manitowoc, Manitowoc County Wisconsin, Flood Elevation Determination

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (§ 1917.4(a)) hereby gives notice of his proposed determinations of flood elevations for the City of Manitowoc, Manitowoc County, Wisconsin.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the City must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at the first floor Bulletin Board, City Hall, 817 Franklin Street, Manitowoc, Wisconsin 54220.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor Anthony V. Dufek, 817 Franklin Street, Manitowoc, Wisconsin 54220. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Manitowoc River	Chicago & Northwestern RR	585	60	0
	Broadway St. (extended)	588	0	500
	North 41st St. (extended)	589	0	1,000
Little Manitowoc River.	Waldo Blvd	586	60	0
	Cleveland Ave	584	60	80
	At corporate limits	589	40	200
Silver Creek	South 10th St	608	120	0
			Width in feet from shoreline to 100-yr flood boundary	
Lake Michigan	South of Green St	584	At Shoreline.	
	North of Park St	584	Do.	
	Commercial St	584	20.	
	Columbus St. (extended)	584	20.	

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

Issued: May 17, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76-15793 Filed 6-1-76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2002]

BOROUGH OF SADDLE RIVER, NEW JERSEY

Proposed Flood Elevation Determinations

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (P.L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 P.L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (§ 1917.4(a)), hereby gives notice of his proposed determinations of flood elevations for the borough of Saddle River.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the Borough of Saddle River must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at Municipal Building, East Allendale Road, Saddle River, New Jersey 07458.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor Duncan H. Cameron,

Municipal Building, East Allendale Road, Saddle River, New Jersey 07458. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)	
			Right	Left
Saddle River	Allendale Rd.	144	275	175
	Lower Cross Rd.	118	55	35

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

Issued: May 17, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76-15926 Filed 6-1-76;8:45 am]

CIVIL AERONAUTICS BOARD

[14 CFR Part 250]

[EDR-296A; Docket 29139]

PRIORITY RULES, DENIED-BOARDING COMPENSATION TARIFFS AND REPORTS OF UNACCOMMODATED PASSENGERS

Reexamination of the Board's Policies Concerning Deliberate Overbooking and Oversales; Extension of Comment Period

MAY 27, 1976.

By Advance Notice of Proposed Rulemaking, EDR-296, 41 FR 16478, April 19, 1976, the Board gave notice that it has under consideration rulemaking action with respect to deliberate overbooking and oversales, including action to amend Part 250 of its Economic Regulations (14 CFR Part 250), so as to fully reexamine the Board's regulatory approach to these problems.

By telegraphic motion filed May 26, 1976, Trans World Airlines, Inc., (TWA) requested an extension of time for the filing of comments in response to EDR-296 until 10 days after the Board has acted on an earlier motion filed by TWA on May 19, 1976. The earlier motion, which is still pending, seeks to change the form of this proceeding from rulemaking to an investigation which would include an evidentiary hearing. Thus, TWA's present motion argues that if its motion of May 19, 1976, is granted, no rulemaking comments will be required, so that its requested extension would avoid the possibly unnecessary preparation of comments by interested persons.

Upon consideration of the foregoing, the undersigned finds that good cause has been shown for granting the relief requested. However, anticipating that a period of only 10 days after Board action on TWA's motion of May 19, 1976, could lead some of the parties to request a further extension of time after TWA's earlier motion has been decided by the Board, the undersigned has determined to extend the time for filing comments herein until 20 days after service of an order disposing of TWA's motion of May 19, 1976. It should be specifically noticed that, unless otherwise ordered by the Board, no further requests for extensions of time herein will be entertained.

Accordingly, pursuant to authority delegated in the Board's regulations contained in 14 CFR 385.20(d), the undersigned hereby extends the time for submitting comments in this proceeding until 20 days after the service of the Board order disposing of TWA's motion of May 19, 1976.

Procedures for seeking review of this action are set forth in the Board's regulations contained in 14 CFR 385.50 through 385.54.

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

[SEAL] SIMON J. EILENBERG,
Acting Associate General Council, Rules.

[FR Doc.76-15975 Filed 6-1-76;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 15]

[Docket No. 20488; FCC 76-451]

BIOMEDICAL TELEMETRY EQUIPMENT

Standards for Design

1. On May 29, 1975, we released a notice of inquiry and proposed rule making (FCC 75-596, 40 FR 24742) in the above proceeding. We solicited comments on whether it was both necessary and appropriate to incorporate a standard for biomedical telemetry equipment design into our rules governing the Special Emergency Radio Service in the 460 MHz band, for the purpose of achieving nationwide compatibility, and if so, whether the standard proposed by the U.S. Interdepartmental Radio Advisory Committee (IRAC) was the proper one.

2. Biomedical telemetry equipment converts sensor readings of bodily functions, such as electrocardiograms, into a form suitable for electronic transmission, and sends this information, via radio or telephone circuits, to a hospital or other health care facility. Such equipment is used by emergency field personnel, e.g., paramedics, when attending a sick or injured person. These personnel receive instructions from experienced physicians on the care of the victim, based, at least in part, on the biomedical information sent.

3. The impetus for the proposed standard is the diversity of signal characteristics among the equipment produced by different companies for biomedical telemetry purposes. This has led to incompatibility between transmitters and receivers of different manufacture, with the result that a hospital receiver having technical characteristics different than those of the remote transmitter would be unable to receive the telemetry signal. In other words, a telemetry transmitter which is part of a biomedical telemetry system associated with one hospital, may be unable to communicate with another hospital system because of incompatible system characteristics. To alleviate this problem, the IRAC developed a standard for biomedical telemetry equipment which contains the minimum specifications necessary for operational intersystem compatibility. Subsequently, we were requested by the Office of Telecommunications Policy to consider incorporating this IRAC standard into our rules.

4. The IRAC standard requires that telemetry be transmitted on a subcarrier within a voice channel, and specifies the subcarrier frequency and deviation. It also gives the characteristics of the input signal, both voice and physiological, the composite output, voice signal, the maximum allowable levels of distortion and noise, the received signal processing characteristics, and the equipment calibration procedures. In addition, it incorporates by reference the Electronics Industries Association (EIA) Land Mobile Standards, and requires conformance to them.

5. Comments in response to the Notice were submitted by 14 parties.[1] Although some of the comments supported incorporating the proposed IRAC standard into our rules, the majority were opposed to this action. Telcom, Inc. suggested that only a sub-carrier frequency be specified in the rules, while Becton, Dickinson Electrodyne (B–D) submitted the only comment proposing a change in any element of the standard. It requested a sub-carrier frequency of either 1.3 kHz or 1.7 kHz in lieu of the specified 1.4 kHz.

6. We do not find merit in either the Telcom or the B–D suggestion. Specifying only the telemetry sub-carrier fre-

[1] Comments were received from the American Hospital Association; the Associated Public-Safety Communications Officers, Inc.; Becton, Dickinson Electrodyne; the EMS Communications Interagency Work Group; the Emergency Medical Services Division of the Tennessee Department of Public Health; State of Florida; Department of Health, Education, and Welfare; State of Illinois; Motorola, Inc.; the National Ski Patrol System, Inc.; the New Jersey Hospital Association; Pioneer Medical Systems, Inc.; Telcom, Inc.; and Dr. Fred B. Vogt.

quency will not lead to intersystem compatibility. Different modulation techniques, deviations, etc. results in incompatibility among equipments utilizing the identical sub-carrier frequency. With regard to specifying a different telemetry sub-carrier frequency, we note that the IRAC working group which developed the standard selected 1.4 kHz as the most appropriate after carefully analyzing all possible frequencies. In view of this and the fact that no other comment questioned the sub-carrier frequency, we do not feel justified in considering a different frequency. Hence, our decision in this proceeding will be whether to incorporate the IRAC standard as proposed into our rules.

7. The parties who supported the adoption of the IRAC standard argued that uniformity in equipment design was required to assure intersystem compatibility. In its comments, the Federal EMS Communications Interagency Working Group asserted that "the proposed standard is a minimum performance standard for a multiplex or a non-multiplex voice telemetry system that assures compatibility and inter-operability." The Department of Health, Education, and Welfare noted that "incorporating the provisions of the subject biomedical telemetry standard into the rules of the FCC would provide a legal basis to assure complete compliance."

8. The comments opposing the incorporation of the standard into the Commission's rules contended that adopting the standard at the present time would deter advancements in the field of biomedical telemetry technology, which, they asserted, is young and changing. For example, APCO stated, "The telemetry standards here under consideration provide * * * for systems which are very basic in their design and capability. This greatly increases the possibility that these standards will soon prove a barrier to innovation if they are made a part of the federal regulatory framework." Similarly, Motorola said, "the EMS concept is still in its infancy, and as such, can be expected to be evolutionary in its development * * * one of the important features of an EMS system is the capability to both talk and send telemetry data over a single radio channel at the same time. This feature, called multiplexing, is not obtained without compromise, however, as the quality of the voice is noticeable degraded. There is current effort underway to develop new multiplex techniques which will not require the degree of compromise that is now necessary." Its conclusion is that "advances in the state-of-the-art, such as that just described, will be constrained by regulation. Such a result would not be in the public interest, and in fact must be avoided. This is particularly important for a service such as EMS, where the saving of a life is the prime purpose of the service."

9. This latter point was also emphasized by Pioneer Medical Systems, Inc. who pointed, "since the emergency medical services and pre-hospital patient care field is still in its infancy, it is absolutely essential for the ultimate benefit of the users that equipment development and introduction of new techniques continue * * *. It is believed that the introduction of an FCC standard for controlling biomedical telemetry equipment parameters would adversely affect the progress, and the introduction of new technologies."

10. As indicated from the comments, there is general agreement that the IRAC standard, if adopted, would contribute to achieving nationwide compatibility among biomedical telemetry systems. Moreover, most parties also agree that the IRAC standard is the best that can be developed at the present time. The primary controversy is whether it is now appropriate to specify a biomedical telemetry standard in our rules. The crux of this issue is that in adopting such a standard, we would also be inhibiting innovation in biomedical telemetry technology.

11. In this respect, the Commission agrees with those parties who urge that we provide full latitude for technological development in this field. The proposed standard necessarily contains very detailed specifications including signal levels and formats. As the telemetry technology develops, new techniques may arise, and in fact are already apparent, which makes one or more of those specifications obsolete when considered in the light of both the potential for adding life saving capability and of making the most effective use of the radio spectrum. Incorporating such changes could then only be accomplished by modification of the Rules standard. This in turn would be counter-productive to the goal of obtaining nationwide equipment compatibility. On the other hand, intersystem telemetry equipment compatibility can be accomplished on a regionalized basis through the mechanism of area-wide planning and coordination of medical response systems. This procedure is already contemplated in the Commission's rules and we note that the coordinated system approach is fast becoming a reality in medical radio operations throughout the country.

12. For these reasons, the Commission concludes that incorporating a biomedical telemetry equipment compatibility standard into our Rules at this time would not serve the public interest and we do not intend to propose rule making for this purpose. Nevertheless, the Commission fully supports efforts for intersystem equipment compatibility in this area. We strongly urge the development of area-wide medical radio systems, particularly those systems that incorporate central dispatch flexibility consistent with the objectives of the IRAC standard. The Commission's staff, together with the many other Federal and State offices that are working together on these problems will continue to be available to provide guidance on developments in this area to the extent possible.

13. In consideration of the foregoing, *It is ordered*, That this proceeding is terminated.

Adopted: May 14, 1976.

Released: May 19, 1976.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.76-15939 Filed 6-1-76;8:45 am]

[47 CFR Part 73]

[Docket No. 20642]

STANDARD BROADCAST BAND

Clear Channel Broadcasting, Extending Time for Filing Comments and Reply Comments

1. In a notice of inquiry and notice of proposed rule making in the above-captioned proceeding (40 FR 58467), the dates for filing comments and reply comments were set at March 18, and April 19, 1976, respectively.

2. In an Order released March 10, 1976, those dates were extended to May 21 and June 25, 1976, respectively. The two-month extension of time was granted in response to a pleading of the Nebraska Broadcasters Association which requested a six-month extension. The Commission stated that while it sought to develop a sound record in this proceeding it found that a two-month extension would serve the public interest.

3. The Commission now has before it two motions: (1) Clear Channel Broadcasting Service (CCBS) requests an extension of time to September 21, 1976, for comments and November 22, 1976, for reply comments; and (2) the Association for Broadcast Engineering Standards, Inc. (ABES) requests that the dates be extended to September 21, 1976, and October 25, 1976, respectively.

4. CCBS states that (1) completion of several of the studies requested in the notice is not possible within the present time schedule as a result of delays in the furnishing of underlying information; (2) in discussing the role FM broadcasting might play in providing primary coverage to areas not receiving primary service from AM stations, the Commission stated in the notice that it would conduct a study of existing FM service and place the results of this study in the record of this proceeding; (3) in a Public Notice released February 23, 1976, the Commission announced that maps were available showing FM coverage at the 1 millivolt and the 50 microvolt signal levels; (4) the Commission has not yet made available details of the methodology and premises used in developing these maps; and (5) without this background information, the maps are of little utility since it is impossible to evaluate the extent to which they realistically depict existing service.

5. CCBS goes on to say that in the notice, the Commission expressed concern as to the possible effects of interference from foreign stations and mentioned the need for an up-to-date examination of this situation. The Commission, it states, requested the participation of interested parties in determining the

sources and levels of interference existing on U.S. I–A channels and noted that its Field Operations Bureau would expect to aid in this effort. CCBS states that the monitoring and evaluation of data available to CCBS cannot be completed until the Commission's monitoring reports are made available but that as of now the Commission has not released any such reports.

6. Finally, CCBS points to the fact that the Commission also requested interested parties to submit survey results showing the extent to which listeners residing in areas which receive no nighttime primary service rely on clear channel stations. CCBS mentions that in an effort to obtain meaningful data on this subject, the Commission entered into a contract with the American Research Bureau (ARB) concerning ARB's estimates of the clear channel audience in such areas, and that fairness requires that the results of the ARB surveys be made available to interested parties. However, it argues, that contract was executed on April 19, 1976, and allows thirty days for performance and it is not reasonable to expect that the ARB data will be available in time for evaluation in comments which must be filed by the present deadline.

7. ABES states that to date the status of the Commission's preparatory studies has not appreciably improved in the approximately two months since ABES filed its Statement of February 27, 1976; that the information in the docket concerning the crucial FM service study remains sketchy and incomplete; that all of the original questions about the meaning of the two service maps and the manner in which they were prepared remain unanswered; that the program of monitoring of Class I–A frequencies by the Commission's Field Operations Bureau to determine existing levels of interference on those channels is still in progress, and the data to be derived from that important study are not yet available for study by ABES and other parties; and that the study of public radio listening patterns which has been undertaken by a research organization commissioned by the Commission has not yet been completed and their important findings are not yet available to the public.

8. The Commission is still in the process of developing plans for undertaking monitoring studies. The audience survey results will not be available until the latter part of May, as noted by CCBS. The information concerning underlying studies pertinent to development of FM maps was placed in the docket on April 15, 1976. Under the circumstances, we find it necessary to extend the time in this proceeding in order to afford all parties an opportunity to have available all essential information for the filing of meaningful and helpful comments.

9. Accordingly, *it is ordered*, That the petition of Clear Channel Broadcasting Service is granted and the petition of the Association for Broadcast Engineering Standards, Inc. is granted in part and denied in all other respects and the dates for filing comments and reply comments are extended to and including September 21, 1976, and November 22, 1976, respectively.

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

Adopted: May 7, 1976.

Released: May 11, 1976.

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.76–15940 Filed 6–1–76;8:45 am]

notices

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

DEPARTMENT OF STATE

Agency for International Development

[Administrator Determination No. 76–1]

ZAIRE

Foreign Assistance

Memorandum for The Honorable Stanley S. Scott and The Honorable William E. Schaufele, Jr.

Subject: Determination under section 620(q) of the Foreign Assistance Act of 1961, as amended (the "Act") that it is in the National Interest to Furnish Assistance under the Act to Zaire.

In accordance with the recommendation in your memorandum of May 14, 1976, and pursuant to the authority vested in me by section 620(q) of the Act, and delegations of authority issued thereunder, I hereby determine it is in the national interest of the United States to furnish assistance under the Act to Zaire notwithstanding that Zaire is more than six months in default in payment of principal and interest on loans made under the Act.

This determination shall be published in the FEDERAL REGISTER.

Dated: May 24, 1976.

DANIEL PARKER,
Administrator.

[FR Doc. 76–15949 Filed 6–1–76;8:45 am]

DEPARTMENT OF THE TREASURY

Customs Service

[T.D. 76–155]

FOREIGN CURRENCIES

Certification of Rates

APRIL 30, 1976.

Rates of exchange certified to the Secretary of the Treasury by the Federal Reserve Bank of New York.

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 76–121 for the following country. 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:

Italy lira:

April 26, 1976	$0.001122
April 27, 1976	.001123
April 28, 1976	.001119
April 29, 1976	.001114
April 30, 1976	.001110

(LIQ–3)

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

[FR Doc.76–15098 Filed 6–1–76;8:45 am]

[T.D. 76–157]

FOREIGN CURRENCIES

Certification of Rates

APRIL 30, 1976.

Rates of exchange certified to the Secretary of the Treasury by the Federal Reserve Bank of New York.

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 76–121 for the following country. 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:

Italy lira:

May 3, 1976	$0.001108
May 4, 1976	.001090
May 5, 1976	.001091

(LIQ–3)

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

[FR Doc.76–13899 Filed 6–1–76;8:45 am]

[T.D. 76–161]

FOREIGN CURRENCIES

Certification of Rates

MAY 21, 1976.

Rates of exchange certified to the Secretary of the Treasury by the Federal Reserve Bank of New York.

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 76–121 for the following country. 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:

Ireland pound:

May 21, 1976	$1.7800

United Kingdom pound:

May 21, 1976	$1.7800

(LIQ–3)

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

[FR Doc.76–15900 Filed 6–1–76;8:45 am]

VETERANS ADMINISTRATION

CENTRAL OFFICE EDUCATION AND TRAINING REVIEW PANEL

Notice of Meeting

The following notice supersedes a notice appearing in the FEDERAL REGISTER, Volume 41, number 94, dated May 13, 1976. The meeting previously announced for June 3, 1976 has been rescheduled for July 9, 1976.

The Veterans Administration gives notice pursuant to Public Law 92–463 that a meeting of the Central Office Education and Training Review Panel, authorized by Section 1790(b), Title 38, United States Code, will be held in Room A–53 Veterans Administration Central Office, 810 Vermont Avenue, NW., Washington, DC on July 9, 1976 at 10 a.m. The meeting will be held for the purpose of reviewing the April 15, 1976 decision of the Director, Veterans Administration Regional Office, Indianapolis, Indiana, that benefits to all eligible persons enrolled in United Systems, Incorporated, 1600 W. Oliver Avenue, Indianapolis, Indiana be discontinued, effective April 30, 1976.

The meeting will be open to the public up to the seating capacity of the conference room. Seating capacity is limited, so it will be necessary for those wishing to attend to contact Mr. Halsey A. Dean, Chief, Field Operations (223A), Education and Rehabilitation Service, Veterans Administration Central Office (phone 202–389–2850) prior to July 1, 1976.

Dated: May 27, 1976.

ODELL W. VAUGHN,
Acting Administrator.

[FR Doc.76–15992 Filed 6–1–76;8:45 am]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

ENDANGERED SPECIES PERMIT

Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant. Environmental Management Office, Directorate of Facilities Engineering, Ft. Benning, Georgia 31905. Attn: Gary W. Robinson.

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 only one)*
☐ IMPORT OR EXPORT LICENSE ☒ PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED. Authorization is requested to study the activities and range of a colony of Red-cockaded woodpeckers & the effects of a forced relocation from the basic den trees as would occur from storm damage or other natural disaster. Studies will be conducted in cooperation with the Columbus Audubon Society and Dr. Jerome A. Jackson, Recovery Team Leader for this species.

3. APPLICANT. *(Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)*

Environmental Management Office
Directorate of Facilities Engineering
ATTN: Gary W. Robinson
Ft Benning, GA 31905

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:

	HEIGHT	WEIGHT
☐ MR. ☐ MRS. ☐ MISS ☐ MS.		
DATE OF BIRTH	COLOR HAIR	COLOR EYES
PHONE NUMBER WHERE EMPLOYED	SOCIAL SECURITY NUMBER	
OCCUPATION		

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:

EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION

United States Army Infantry Center

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. G. W. Robinson, Chief (404) 545-4766 Environmental Mgt Ofc

IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
Sand Hill Training Complex
Fort Benning, GA

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☐ YES ☒ NO
(If yes, list license or permit number)

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☐ YES ☒ NO
(If yes, list jurisdictions and type of documents)

Not required

9. CERTIFIED CHECK OR MONEY ORDER *(If applicable)* PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF
$

10. DESIRED EFFECTIVE DATE
July 15, 1976

11. DURATION NEEDED
90 days

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 Section 17.22

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE *(In ink)* Gary W. Robinson
DATE 25 May 1976

3-200 (6/74)

Part 17.22 subchapter B, Chapter I of title 50, Code of Federal Regulations, "Permits for scientific purposes, or for the enhancement of propagation or survival".

(1) The species to be covered by the permit is the Red-Cockaded Woodpecker; Dendrocoupus borealis. The activity to be authorized is scientific research.

(2) The wildlife covered by the permit is still in the wild.

(3) Death of the wildlife is not anticipated since Fort Benning has ample sites which are suitable for the survival of this bird. In fact, these existing birds may be part of an adjacent colony which will not be disturbed. Feeding areas now used will not be affected.

(4) Not applicable.

(5) The wildlife covered by the permit are currently living on the Fort Benning reservation. This reservation consists of approximately 182,000 acres adjacent to Columbus, Georgia, and Phenix City, Alabama. The specific location is in the Sand Hill Training Complex within the reservation and is marked on the inclosed map (Inclosure 1). A second map of the Sand Hill development shows the location of the colony to be studied (Inclosure 2).

(6) Live wildlife will be covered by this permit.

(i) A diagram of the particular area where the colony to be studied is included as Inclosure 2. The birds will be captured, tagged, and will have radio transmitters affixed. The birds will be immediately released for observation after this is done.

(ii) Dr. Jerome A. Jackson will be responsible for the activities with the birds. Dr. Jackson is the Department of Interior Team Leader for the Red-Cockaded Woodpecker Recovery Team and is recognized as an authority on this species.

(iii) A breeding program is not being considered as a part of this study.

(iv) Transportation of the bird is not required.

(v) Mortalities involving this species are not available and are not applicable to this study.

(7) No contracts of agreements have been signed for the proposed activities, nor are any such agreements anticipated.

(8) (i) Authorization is requested to study the activities and range of a colony of Red-cockaded woodpeckers and the effects of a forced relocation from the basic den trees as would occur from storm damage or other natural disaster. Studies wil. be conducted in cooperation with the Columbus Audubon Society and Dr. Jerome Jackson, Recovery Team Leader for this species.

(ii) Details of the study. The birds will be captured, tagged and radio transmitters will be affixed. The daily activities of the birds will be tracked and they will be studied to determine feeding areas, ranges of travel, and if alternate roost trees are used. After this portion of the study is complete, the five roost trees in use by two or three birds will be cut while the birds are away, forcing them to relocate. No nestlings are involved. Activities for the next few days will be critical in determining how the birds react to loss of their normal roost. Specifically studied will be where a temporary roost or alternate roost is selected, whether another neighboring colony will be chosen as a new home, and any changes in feeding location and range of travel. At the end of the study, the birds will be recaptured for removal of the radios. All birds will be released back to the wild.

(iii) (a) Natural relocation of the woodpecker occurs when the roost tree is destroyed by lightning, storm damage, or other causes. Little is known about how the woodpecker finds a new roost. This study would attempt to trace the bird's activities in re-establishing the colony. If this group is part of another colony area, the birds may relocate to the adjacent area. Feeding area boundaries are not known for this colony or any other colony on Fort Benning. This knowledge for a typical colony on this Army post would be useful in developing a management plan for the species. It is especially desirable to determine if the colony will change its feeding patterns when new roost sites are chosen. There are at least 50 colonies on the reservation and information on their habits is necessary for enhancing the propagation and survival of this species.

(b) It may be determined that more information can be learned by capturing the birds and relocating them to a colony area that has been abandoned. In some cases, it is desirable to place birds in a particular area that has been set aside as a sanctuary, but it is not now known if this is possible.

(c) The roost trees which are cut will be sectioned and split to study the construction of the den. Measurements and

photographs would be recorded and turned over to the Recovery Team.

(d) At least two areas adjacent to the colony area to be studied will be placed under a positive management program to develop the species. In general, at Fort Benning, the species is not harrassed and is allowed to grow naturally. Two areas in the Training Complex would be supervised. One area of approximately three acres with eleven den trees would be marked as a sanctuary and park area. Trees would be selectively trimmed and thinned to make it more attractive to the woodpecker. A second area with three den trees at this time would be similarly developed, but this area would be mixed with buildings and other human activity. A comparison of the colony development in the two areas should be of general interest and would provide information to enhance development of the species.

(iv) All wildlife captured during this study will be returned to the wild upon termination of the activities.

For further information, please see the inclosed copy of a survey report of the site written by Dr. Jackson. (Inclosure 3)

JANUARY 13, 1976.

GARY ROBINSON, *Chief,*
Environmental Management Div.,
Room 237, Building 35,
Fort Benning, GA 31905

DEAR GARY: It was a pleasure meeting you last week and having had the opportunity to look at the Red-cockaded Woodpecker situation at Fort Benning. I certainly appreciate your concern for this endangered species. With regard to the Red-Cockaded Woodpecker colonies at the E. M. Barracks Trainee Complex in the area you referred to as the Sandhills, I have the following comments and recommendations. These are, of course, only my recommendations based on my evaluation of the situation. Permission to act on these recommendations where the recommendations adversely affect the Red-cockaded Woodpecker, of course, must be approved by the proper authorities.

1. The Red-cockaded Woodpecker colony which is presently at the site proposed for trainee barracks 3 is already in a precarious position as a result of previous harvesting of most pines in the area. With essentially only the three cavity trees remaining plus two or three trees not being used by the birds, I am surprised that the birds have remained as long as they have. The remaining cavity trees are exposed and since they are diseased I would anticipate that the first good storm could blow them down. Indeed, there were already two additional cavity trees that had suffered this fate since removal of the surrounding trees.

If you receive permission to cut the cavity trees at trainee barracks 3, I hope that we can obtain a maximum amount of information about the Red-cockaded Woodpecker from the trees and the birds that are still using them. I would like to see the cavities cut from the trees and sectioned so that cavity dimensions could be measured. After measurement you might want to use the sectioned cavities for an educational display. Second, before the trees are cut, I would like to capture the birds and either attach radios to them so that we can determine what happens to the birds when a colony is destroyed, or use the birds in an attempt to transplant Red-cockaded Woodpeckers in an area where they used to occur but have since disappeared. Dr. Robert McFarlane at the Savannah River Plant in South Carolina has an isolated abandoned colony and is interested in cooperating with me in a transplant attempt. If for some reason the trees must be cut during the nesting season, I would like to obtain the nestlings for studies of their development and behavior. Finally, I would suggest that in your permission request you include a request for these experimental activities with the bird. Only in this way could we be assured that permits for cutting of the trees and experimenting with the birds would be granted simultaneously. I will be willing to assist you in applying for such permits if necessary.

2. I recommend that measures be taken to protect the Red-cockaded Woodpecker colonies presently at the sites proposed for the Branch Post Office and the outdoor training area (numbers 46 and 32 on the general site plan). Since we are obligated to protect endangered species, I would think that these two colonies could set an excellent example demonstrating the compatibility of this species with human activities. Red-cockaded Woodpeckers are not particularly disrupted by people, buildings, or traffic unless their habitat is destroyed. These colonies are already located near older buildings. If care is taken to leave as many trees as possible in the Sandhills area, I feel that this species will remain. It is important that the colony site be connected to large groves of pine trees and not be isolated. It would further your environmental program, help with public relations, and assist this endangered bird if you could (1) manage these colonies so that the bird remained and (2) erect some appropriate signs explaining the unusual nature of the birds, their requirements, their endangered status, and what you are doing at Fort Benning to help them.

3. With regard to Red-cockaded Woodpeckers on the remainder of Fort Benning, I am pleased with the management program for your pine woodland that your foresters explained to me and showed me in several different areas. As was explained to me, apparently the major problem for the species at Fort Benning is one of educating the timber markers as to the value of the bird and why their trees should be left. I am concerned that we were not able to locate colonies 16 and 17 as indicated on your map and that there appeared to be a new power line where these colonies were located. Certainly our search for the colonies was superficial and they may well be where they were indicated. Apparently, however, there is a need for coordination of activities that involve the cutting of trees and some general education as to the importance of endangered species. I would very much like to have a written statement of your forest management plan, particularly relating to the Red-cockaded Woodpecker. In fact, if you have not done so, I believe it would be to your benefit to have a management plan for the Redcockaded Woodpecker on file with the endangered species office and our recovery team. We would certainly be willing to help you develop such a plan. In view of what I saw, I don't think there would need to be much if anything changed in the way your forests are managed, but the present management could change with a change in personnel.

4. There apparently has been little communication between the environmental office at Fort Benning and the Columbus Audubon Society. In view of the responsibilities that you have and the limited personnel you have to carry out these responsibilities, I believe it would be to your benefit to cultivate and make use of the expertise available in the Audubon Society. If you have these people working with you, they are less likely to work against you and indeed where problems arise they might be settled without a need to involve higher authorities. I strongly urge you to make a copy of the map indicating the location of Red-cockaded Woodpecker colonies on Fort Benning available to the Columbus Audubon Society. I also would encourage you to ask the Audubon Society to make an annual census of these colonies and additional colonies that you or they discover. With this information provided for you, you could then develop plans accordingly. We are interested in having up-to-date census information because in order to fully evaluate the status of the species we need to know the changing status of the individual populations. Once we have information that the remaining populations are being managed and are stable or increasing, it is my opinion that the species could be removed from the endangered species list.

5. In an attempt to quantify the status of Red-cockaded Woodpeckers throughout their range, our recovery team is asking all involved agencies and individuals to complete the enclosed census forms for each colony. You may wish to give these to the local Audubon Office to complete them for you. You may wish to keep copies for your own files.

I will be happy to send my recommendations to the appropriate offices within the Department of the Interior if you would like me to.

Sincerely,

JEROME A. JACKSON,
Team Leader.

Documents and complete 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 on or before July 2, 1976.

Dated: May 27, 1976.

RICHARD M. PARSONS,
Acting Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

[FR Doc.76-16007 Filed 6-1-76;8:45 am]

UNIVERSITY OF MIAMI

Issuance of Permit for Marine Mammals

On March 26, 1976, a notice was published in the FEDERAL REGISTER (41 FR 12725) that an application had been filed with the Fish and Wildlife Service by the University of Miami (Daniel K. Odell), Miami, Florida, for a permit to salvage dead Florida Manatees for the purpose of scientific research.

Notice is hereby given that on May 25, 1976, as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), the Fish and Wildlife Service issued a permit to the University of Miami, School of Marine and Atmospheric Science, Miami, Florida, subject to certain conditions set forth therein. The permit is available for public inspection during normal business hours at the Fish and Wildlife Service's office in Suite 600, 1612 K Street, N.W., Washington, D.C.

Dated: May 27, 1976.

RICHARD M. PARSONS,
Acting Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

[FR Doc.76-16006 Filed 6-1-76;8:45 am]

Office of Hearings and Appeals

[Docket No. M 76-469]

HITE PREPARATION CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), Hite Preparation Company has filed a petition to modify the application of 30 CFR 75.1710 to its 6-3 Mine, Drift, Kentucky.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with section 75.1710 is 30 CFR 75.1710-1 which in pertinent part provides:

* * * Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches; and

(6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. * * *

The substance of Petitioner's statement is as follows:

The mine that Petitioner operates is a drift mine in a coal seam which has an average height of 35 inches.

The electric face equipment which Petitioner uses and the height of each piece of equipment is as follows:

2 Elkhorn Ind. Products Scoops Model #AR-4, 29 inches.
1 Elkhorn Ind. Products Scoop, Model #DLE-1, 28 inches.
1 Wilcox Roof Bolter, Model #6600 WRDD-J6, 24 inches.

In addition to that fact, the Petitioner is operating in a low seam of coal with uneven bottom conditions. These conditions, in Petitioner's opinion, make it very hazardous for a man to operate this equipment with a canopy over the deck of the machine. With a canopy he would be required to extend his head out the side of the machine to get adequate vision. Petitioner believes that the addition of canopies to its machinery actually would result in a diminution of safety to the miners. For these reasons, Petitioner requests that the regulation be modified for its operation.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before July 2, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director, Office of Hearings and Appeals.

MAY 25, 1976.

[FR Doc.76-15889 Filed 6-1-76;8:45 am]

[Docket No. M 76-471]

HITE PREPARATION CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), Hite Preparation Company has filed a petition to modify the application of 30 CFR 75.1710 to its G-14-2 Mine, Drift, Kentucky.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with section 75.1710 is 30 CFR 75.1710-1 which in pertinent part provides:

* * * Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches; and

(6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. * * *

The substance of Petitioner's statement is as follows:

The mine that Petitioner operates is a drift mine in a coal seam which has an average height of 40 inches.

The electric face equipment which Petitioner uses and the height of each piece of equipment is as follows:

1 Elkhorn Ind. Scoop, Model #DLE-1, 28 inches.
2 Elkhorn Ind. Scoops, Model #AR-4, 28 inches.
1 Schroder Coal Drill, Model #CDB-2000A, 27 inches.
1 Acme Roof Bolter, Model #D-1, 27 inches.

In addition to that fact, the Petitioner is operating in a low seam of coal with uneven bottom conditions. These conditions, in Petitioner's opinion, make it very hazardous for a man to operate this equipment with a canopy over the deck of the machine. With a canopy he would be required to extend his head out the side of the machine to get adequate vision. Petitioner believes that the addition of canopies to its machinery actually would result in a diminution of safety to the miners. For these reasons, Petitioner requests that the regulation be modified for its operation.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before July 2, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director, Office of Hearings and Appeals.

MAY 25, 1976.

[FR Doc.76-15890 Filed 6-1-76;8:45 am]

[Docket No. M 76-314]

ISLAND CREEK COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), Island Creek Coal Company has filed a petition to modify the application of 30 CFR 75.1710 to its Guyan No. 4 Mine located in Logan County, West Virginia, and to its Gund Mine located in Pike County, Kentucky.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric

face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with section 75.1710 is 30 CFR 75.1710–1 which in pertinent part provides:

* * * Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;
(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;
(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;
(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;
(5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches; and
(6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. * * *

The substance of Petitioner's statement is as follows:

1. The height of the coalbed in Petitioner's mines varies from 48 inches at the highest points to less than 42 inches at the lowest points. A minimum of 12 inches vertical clearance from the roof is required to insure that, during operation, face equipment at all times avoids contact with the roof support systems at the working faces of the mines. Therefore, the vertical distance from the floor of the mine in which any electric face equipment can operate is effectively reduced 12 inches from the height of the coalbed at any given point at the working faces of the mines.

2. At the present time, Petitioner operates the following types of self-propelled electric face equipment at its mines:

(a) Guyan #4 Mine, Jeffery 70 URF Cutter, Jeffery 81 ALWC Loader, Joy 18 SC Shuttle Car, Long TDF 24 Coal Drill, Galis 300 Roof Bolter, 71 S & S Scoop.
(b) Gund Mine, 120 Jeffery Miner, Galis 300 Roof Bolter, Joy 18 SC Shuttle Car.

Because of the variation of the physical characteristics of each of these types of equipment (i.e., heights, width, location of operator compartment and positioning of controls) each may require a different style of canopy.

3. Petitioner has developed on its own or there are available from equipment manufacturers, canopies, for each type of the above-listed equipment, which meet the structural capacity requirements of 30 CFR 75.1710–1(d). However, to meet these requirements it is necessary that these canopies be constructed of heavy gauge steel. The result is a canopy which is both bulky and extremely heavy. Because of the bulk and weight of these canopies, structural modifications to each piece of face equipment are necessary before these canopies can be installed on face equipment.

4. Petitioner has made the required modifications and has installed certified canopies on each type of face equipment operated at its mines.

5. Petitioner states that in some, but not all, instances the installation of available certified canopies on the face equipment at Petitioner's mines, creates, among others, the following safety hazards:

(a) The field of vision of the operator is significantly reduced as a result of the close proximity of the canopy to the operator's compartment.
(b) The operator's arm and leg movements in operating the equipment are more restricted as a result of reduced space in the operator's compartment.
(c) Operator fatigue is greatly increased as a result of reduced operator compartment space.

The above safety hazards are not present in the operation of all pieces of face equipment on which canopies have been installed in Petitioner's mines. However, the use of canopies on certain types of face equipment in certain locations of Petitioner's mines does create the above safety hazards, thereby reducing the overall safety of the miners.

6. Petitioner states that it is at present unable to construct itself, or to procure from equipment manufacturers, canopies which, if installed on face equipment at Petitioner's mines will both meet the required structural capacity and at all times allow operation of face equipment without creating the safety hazards herein stated. Petitioner further states that there are no new types or designs of face equipment immediately available from equipment manufacturers which eliminate the safety hazards herein stated.

7. Petitioner states that, for the reasons herein set forth, the application of the standard of 30 CFR 75.1710–1(a) to all face equipment at all locations of Petitioner's mines will in fact result in a diminution of safety to the miners at this mine.

8. Petitioner does not propose herein to eliminate the installation of certified canopies on face equipment at Petitioner's mines where such installation is presently possible without creating the safety hazards herein set forth. Petitioner does however, propose to develop, in cooperation with MESA, an orderly plan and/or schedule for the installation of certified canopies on all electric self-propelled face equipment at Petitioner's mines in those instances where the present installation of said canopies on said equipment will create the safety hazards herein set forth. Said plan may include, among others, the following considerations:

(a) The height of the coalbead and mining conditions at various locations of Petitioner's mines.
(b) The present state and future development and availability of canopies and face equipment.
(c) The overall safety of the miners at Petitioner's mine.

9. Petitioner respectfully requests that the Secretary modify the application of 30 CFR 75.1710–1(a) by relieving Petitioner of the requirement of presently installing certified canopies on all self-propelled electric face equipment at all locations of its mines and allowing Petitioner to develop and implement, with the cooperation of MESA, an orderly plan and/or schedule for the installation of certified canopies on all of said face equipment where the present installation of said canopies will create the safety hazards herein set forth.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before July 2, 1976. Such requests or comments must be filed with the Office of Hearings and and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director, Office of Hearings and Appeals.

MAY 25, 1976.

[FR Doc.76–15891 Filed 6–1–76;8:45 am]

[Docket No. M 76–430]

MULLINS COAL COMPANY, INC., OF VA.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), Mullins Coal Company, Inc. of Va. has filed a petition to modify the application of 30 CFR 75.1710 to its No. 2 Mile, Wise County, Virginia.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with section 75.1710 is 30 CFR 75.1710–1 which in pertinent part provides:

* * * Except as provided in paragraph (f) of this section, all self-propelled electric face eqiupment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the opearting controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face

rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches; and

(6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. * * *

The substance of Petitioner's statement is as follows:

In underground coal mines where the average height is 48 inches canopies are a potential danger. Men who operate shuttle cars with canopies are faced with several problems. When tramming the cars, the operator is forced to lean his head and shoulders outside the canopies in order to see where he is going. If he remains under the canopy, not only is he uncomfortable, but his vision is obstructed.

On the off-standard car, when the operator pulls under the boom of the miner, the miner helper is not visible. When the shuttle cars are being loaded, the operator will control his car by standing beside it instead of being in the driver's seat.

Canopies that have been installed on shuttle cars are sometimes torn off when the operator drives under a low place and over a hump at the same time. In this situation, the operator runs a high risk of being injured.

Miner operators are faced with similar problems to those of the shuttle car drivers. When sitting in the deck of a miner with a canopy over the operator, his vision of the top and the face are about half of what it should be. He cannot see the left hand cutter head, which results in cutting down roof bolts and boards, *i.e.*, roof support. In order to see how to cut, the operator is forced to either lean his body out from and under the canopy or operate the machine by standing next to it.

When tramming and traveling over humps on the bottom, the head of the miner and the boom are often thrown into the top. The canopy is closer to the top than either the head or the boom and the canopy sometimes gets torn off or tears down roof support.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before July 2, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director, Office of Hearings and Appeals.

MAY 25, 1976.

[FR Doc.76-15892 Filed 6-1-76;8:45 am]

[Docket No. M 76-140]

SOUTH HOPKINS COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861 (c) (1970), South Hopkins Coal Company has filed a petition to modify the application of 30 CFR 75.1710 to its Mine No. 2, Madisonville, Kentucky.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with section 75.1710 is 30 CFR 75.1710-1 which in pertinent part provides:

* * * Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches; and

(6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. * * *

The substance of Petitioner's statement is as follows:

1. In its coal mine the Petitioner operates the following types of self-propelled electrical face equipment: Cutters—15 RU Joy; Drills—CD 81 Joy; Loading Machines—14 BU 10-41 Joy; Roof Bolters—320 Galis; and Shuttle Cars—10SC Joy. These items of equipment are not of the same construction and the same type of canopy or cab cannot be used for each item.

2. The average height of the roof of the Petitioner's coal mine is 50 inches, and at least 12 inches clearance from the roof of the coal mine is required to prevent the coal mining equipment from striking or damaging the roof support systems in the underground mine. Therefore, the average vertical distance from the floor of the mine for such machinery to operate is 38 inches.

3. Canopies for the above-mentioned equipment, except for roof bolters, are available from manufacturers or can be constructed by the Petitioner; but to meet the present requirements of the regulations it is necessary that the canopies or cabs be constructed of heavy steel, and the large canopy constructed necessitates alterations in the pieces of equipment before the canopies can be used or installed.

4. The Petitioner has installed a certified and approved canopy on one item of its face equipment, and from the use of this item it has been found that for this equipment, and for all items of equipment upon which the canopies would be installed, that several safety hazards exist in the operation of the equipment with the canopies. These hazards include, but are not limited to the following:

a. The compartment for the operator is severely restricted after the installation of the canopy and the freedom of movement of the arms and legs of the operator to control the machine is greatly curtailed.

b. Because of the strain of operating under these restricting conditions early fatigue results to the operator.

c. The operator's field of vision is greatly reduced because of the canopy.

d. In addition thereto, because of the nature of the equipment, the machine with the canopy installed does not contain sufficient space to provide complete coverage of the operator's body and his entire body is not protected.

5. There is not now available on the open market canopies or cabs with the strength or stability required by the rules which will allow the operation of the equipment without the hazards mentioned in the foregoing paragraph; and the Petitioner knows of no new types or designs which are presently available and which would eliminate the safety hazards mentioned; and the Petitioner is not presently able to construct its own canopies or cabs to meet the requirements and eliminate the hazards.

6. The Petitioner wishes to develop to the best of his ability, and in such manner to qualify with the regulations provided for such canopies or cabs, a plan for the future installation of appropriate canopies or cabs on its equipment so that the installation thereof will not create safety hazards; and in doing so not to delay the installation of such canopies

on its equipment, if this can be done without creating safety hazards.

7. In following plans for installing, and/or constructing canopies, the safety of the employees of the Petitioner will be the prime consideration; and there will have to be considered the room available in the coal mine for the proposed equipment and the present and future availability of canopies for such equipment.

8. The Petitioner states that for the reasons set out herein the present requirements for the installation of such canopies or cabs on the Petitioner's face equipment will not be to the best interest of the Petitioner's employees, and will in fact at this present time result in safety hazards to the employees and create more dangers from their work in the Petitioner's coal mine.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before July 2, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director, Office of Hearings and Appeals.

MAY 25, 1976.

[FR Doc.76-15893 Filed 6-1-76;8:45 am]

Bureau of Land Management

[NM 27829]

NEW MEXICO

Notice of Application

Correction

MAY 1, 1976.

In FR Doc.76-10105, appearing on page 14912 in the issue for Thursday, April 8, 1976, in the second line of the second paragraph, the phrase "across 505 of a mile * * *" should be changed to read "across .505 of a mile * * *".

OUTER CONTINENTAL SHELF OFFSHORE CENTRAL & WESTERN GULF OF MEXICO

Availability of Draft Environmental Impact Statement and Holding of Public Hearing Regarding Proposed Oil and Gas Lease Sale

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a draft environmental impact statement relating to a proposed Outer Continental Shelf (OCS) oil and gas lease sale of 61 drainage and development tracts of submerged lands on the OCS in the Gulf of Mexico offshore Texas and Louisiana.

Single copies of the draft environmental statement can be obtained from the Office of the Manager, New Orleans Outer Continental Shelf Office, Bureau of Land Management, Hale Boggs Federal Building, Suite 841, 500 Camp Street, New Orleans, Louisana 70130, and from the Office of Public Aiairs, Bureau of Land Management (130), Washington, D.C. 20240.

Copies of the draft environmental statement will also be available for review in the main public libraries in the following cities: New Orleans, Lafayette, Lake Charles and Baton Rouge, Louisiana; and Austin, Houston, Galveston, and Freeport, Texas.

In accordance with 43 CFR 3201.4, a public hearing will be held beginning at 9:00 a.m. on July 7, 1976, in the St. Maxent Room, Downtown Howard Johnson, 330 Loyola Avenue, New Orleans, Louisiana 70112, for the purpose of receiving comments and suggestions relating to the proposed lease sale.

The hearing will provide the Secretary with additional information from both public and private sectors to help evaluate fully the potential effects of the proposed offering of the 61 tracts on the total environment, aquatic resources, aesthetics, recreation, and other resources in the entire area during the exploration, development, and production phases of the leasing program.

The hearing will also provide the Secretary, under Section 102(2)(C) of the National Environmental Policy Act of 1969, with the opportunity to receive additional comments and views of interested State and local agencies.

Interested individuals, representatives of organizations, and public officials wishing to testify at the hearing are requested to contact the Manager, New Orleans Outer Continental Shelf Office, Bureau of Land Management at the above address by 4:15 p.m., c.d.t., July 1, 1976. Written comments from those unable to attend the hearing also should be addressed to the Manager, New Orleans Outer Continental Shelf Office, Bureau of Land Management at the above address. The Department will accept written testimony and comments on the draft environmental statement until July 19, 1976. This should allow ample time for those unable to testify at the hearing to make their views known and for the submission of supplemental materials by those presenting oral testimony. Time limitations make it necessary to limit the length of oral presentations to ten minutes. An oral statement may be supplemented, however, by a more complete written statement which may be submitted to the hearing officer at the time of presentation of the oral statement. Written statements presented in person at the hearing will be considered for inclusion in the hearing record. To the extent that time is available after presentation of oral statement by those who have given advance notice, the hearing officer will give others present an opportunity to be heard.

After all testimony and comments have been received and analyzed, a final environmental statement will be prepared.

ARNOLD E. PETTY,
Acting Associate Director, Bureau of Land Management.

Approved: May 25, 1976.

CHRIS FARRAND,
Deputy Assistant Secretary of the Interior.

[FR Doc.76-15879 Filed 6-1-76;8:45 am]

CALIFORNIA STATE ADVISORY BOARD

Notice of Meeting

Notice is hereby given in accordance with Public Law 92-463 that the California State Multiple-Use Advisory Board to the Bureau of Land Management will meet at the Mansion Inn, 700 16th Street, Sacramento, California 95814, on July 29-30, 1976. Subjects to be considered will be off-road vehicle management, BLM energy programs and wildlife management on National Resource Lands in California, as well as rechartering of the advisory board for 1977-78.

The meeting will begin at 8:30 a.m., Thursday, July 29, 1976, in Pacifica Rooms B and C. Opening business will include a report to the Advisory Board by the California State Director of the Bureau of Land Management. The meeting will be open to the public. Time will be made available at the conclusion of the report of each ad hoc committee of the Advisory Board for brief oral statements by members of the public. Such statements should be limited to matters set forth in the agenda.

Any interested person or organization may file a written statement with the Board for its consideration. Persons wishing to make an oral statement or submit a written statement should notify State Director (C-912), Bureau of Land Management, 2800 Cottage Way, Sacramento, California 95825 by the close of business July 23, 1976.

Dated: May 21, 1976.

ED HASTEY,
State Director.

[FR Doc.76-15948 Filed 6-1-76;8:45 am]

[M-34075]

MONTANA

Application

MAY 25, 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 Montana Power Company has applied for a natural gas pipeline right of way for 4-inch and 6-inch lines across the following lands:

PRINCIPAL MERIDAN, MONTANA

T. 27 N., R. 20 E.,
Sec. 19, S½NE¼ and W½SE¼;
Sec. 20, N½NW¼ and SW¼NW¼; and
Sec. 30, Lot 2, N½SE¼, and SE¼SE¼.

This pipeline will convey natural gas across 2.05 miles of national resource lands in Blaine County, Montana.

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 names and address to the District Manager, Bureau of Land Management, P.O. Box B, Malta, Montana 59538.

ROLAND F. LEE,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.76-15946 Filed 6-1-76; 8:45 am]

[NM Misc. 27]

NEW MEXICO

Order Opening Lands to Entry

MAY 25, 1976.

1. Pursuant to section 7 of the Act of June 28, 1934 (48 Stat. 1272; 43 U.S.C. 315f), as amended, the following described land was classified for recreation and public purposes:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 5 S., R. 3 E.,
Sec. 9, SE¼NE¼ and NE¼SE¼;
Sec. 10, SW¼NW¼ and NW¼SW¼.

The area described aggregates 160 acres in Socorro County, New Mexico.

2. Subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, the above land shall at 10 a.m. on July 1, 1976 be open to all forms of appropriation under the public land laws. All valid applications received at or prior to 10 a.m. July 1, 1976, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

Inquiries concerning the lands should be addressed to Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, P.O. Box 1449, Santa Fe, NM 87501.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.76-15947 Filed 6-1-76;8:45 am]

DEPARTMENT OF AGRICULTURE

Forest Service

SWIFT TRAIL

Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1949, the Forest Service, Department of Agriculture, has prepared a draft environmental statement supplement for the Swift Trail, Arizona, USDA-FS-DES Supplement Adm-75-04.

The environmental statement considers probable environmental effects of the proposed project.

The draft environmental statement was transmitted to CEQ on May 25, 1976.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, So. Agriculture Bldg., Rm. 3230, 14th & Independence Ave., SW, Washington, D.C. 20250.

USDA, Forest Service, Southwestern Region, 517 Gold Avenue, SW, Albuquerque, New Mexico 87102.

Coronado National Forest, 301 W. Congress, Tucson, Arizona 85701.

Single copies are available upon request to Forest Supervisor, Coronado National Forest, 301 W. Congress, Tucson, Arizona, zip code 85701. Please refer to the name and number of the environmental statement when ordering.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ guidelines.

Comments are invited from the public, State, and local agencies, which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to the Forest Supervisor, Coronado National Forest, 301 W. Congress, Tucson, Arizona, 85701. Comments must be received within 60 days from the date the supplement was transmitted to CEQ in order to be considered in the preparation of the final environmental statement.

M. J. HASSELL,
Acting Regional Forester, Region 3.

MAY 25, 1976.

[FR Doc.76-15886 Filed 6-1-76;8:45 am]

Office of the Secretary

NATIONAL AGRICULTURAL RESEARCH PLANNING COMMITTEE

Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the National Agricultural Research Planning Committee (NPC) will be held beginning at 9 a.m., June 21, 1976, in Room 4306 South Building, U.S. Department of Agriculture, Washington, D.C.

The Committee is jointly sponsored and chaired by the Department of Agriculture and the National Association of State Universities and Land Grant Colleges. The Committee deals with the planning element of the Agricultural Research Policy Advisory Committee (ARPAC).

The matters to be considered at this meeting include activities and progress in national and regional planning for agricultural research, implementation of task force reports, and future NPC plans and actions.

The meeting will be open to the public. Attendance will be limited to the space available. While no oral presentations will be entertained, anyone may file with the Committee, before or after the meeting, a written statement concerning the matters to be discussed. Persons who wish to file written statements may submit them to Dr. David J. Ward, Research Planning and Coordination, Office of the Secretary, Room 359-A, USDA, Washington, D.C. 20250—Telephone 202-447-3854. A record of the meeting will be available for public inspection at the above address 60 days after the meeting.

Dated: May 27, 1976.

EARL L. BUTZ,
Secretary.

[FR Doc.76-15984 Filed 6-1-76;8:45 am]

DEPARTMENT OF COMMERCE

Bureau of the Census

NUMBER OF EMPLOYEES, PAYROLLS, GEOGRAPHIC LOCATION, CURRENT STATUS AND KIND OF BUSINESS FOR THE ESTABLISHMENTS OF MULTIESTABLISHMENT COMPANIES

Consideration for Surveys

Notice is hereby given that the Bureau of the Census is considering a proposal under the provisions of Title 13, United States Code, sections 181, 224, and 225, to conduct a 1976 Company Organization Survey. It is designed to collect information on the number of employees, payrolls, geographic location, current status and kind of business for the establishments of multiestablishment companies. The information will be used to update company and establishment changes to the multiestablishment companies in the Standard Statistical Establishment List. The data will have significant application to the needs of the public and to governmental agencies, and are not publicly available from nongovernmental or governmental sources.

The survey, if conducted, shall begin not earlier than December 1, 1976.

Copies of the proposed forms are available on request to the Director, Bureau of the Census, Washington, D.C. 20233.

Any suggestions or recommendations concerning the subject matter of the proposed survey submitted to the Director in writing on or before July 2, 1976 will receive consideration.

Dated: May 26, 1976.

VINCENT P. BARABBA,
Director, Bureau of the Census.

[FR Doc.76-15937 Filed 6-1-76;8:45 am]

Maritime Administration

[Docket No. S-511]

PRUDENTIAL LINES, INC.

Application

Notice is hereby given that Prudential Lines, Inc., by telegram received on May 24, 1976, as modified by letter dated May 25, 1976, has applied for operating-differential subsidy to aid in the operation of the SS SANTA RITA, a MA Design C4-S-1u type vessel, in its subsidized

Line C, Trade Route No. 4, cargo vessel service under a renewed bareboat charter to extend from June 1, 1976 to December 31, 1977. The Operator provides or may provide service on Trade Route No. 4 between U.S. Atlantic ports and ports in the Venezuela-Netherlands West Indies-North Coast of Colombia range, with the privilege of serving certain other Caribbean and Atlantic areas such as Guantanamo Bay, Cuba; Jamaica; Haiti; Dominican Republic; Guadeloupe; Martinique; and Caribbean ports in Central America from Panama to and including British Honduras, but excluding ports in Panama and the Canal Zone. No change is proposed by Prudential Lines, Inc., in its operating-differential subsidy contract Trade Route No. 4 sailing requirements from the present minimum of 44 and maximum of 52 per annum for the duration of the bareboat charter.

Any person having an interest in the granting of such application and who would contest a finding by the Maritime Subsidy Board that the service now provided by vessels of United States registry on Trade Route No. 4, as above, is inadequate must, on or before June 14, 1976, notify the Secretary, Maritime Subsidy Board, in writing, of his interest and position and file a petition for leave to intervene, in accordance with the Rules of Practice and Procedure of the Maritime Subsidy Board (46 CFR Part 201).

Each such statement of interest and petition to intervene shall state whether a hearing is requested under section 605 (c) of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1175), and with as much specificity as possible, the facts that the intervenor would undertake to prove at such hearing.

In the event a section 605(c) hearing is ordered to be held, the purpose thereof will be to receive evidence relevant to (1) whether the application is one with respect to a vessel to be operated in an essential service served by the citizens of the United States which would be in addition to the existing service, or services, and if so, whether the service is inadequate, and (2) whether, in the accomplishment of the purposes and policy of the Act, additional vessels should be operated therein.

If no request for hearing and petition for leave to intervene is received within the specified time, or if the Maritime Subsidy Board determines that petitions for leave to intervene filed within the specified time do not demonstrate sufficient interest to warrant a hearing the Maritime Subsidy Board will take such action as may be deemed appropriate.

(Catalog of Federal Domestic Assistance Program No. 11.504 Operating-Differential Subsidies (ODS).)

By Order of the Maritime Subsidy Board/Maritime Administration.

Dated: May 27, 1976.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.76-16012 Filed 6-1-76;8:45 am]

Office of the Secretary

CONSUMER PRODUCT INFORMATION LABELING PROGRAM

Hearing Locations

On May 25, 1976, the Department of Commerce announced in the FEDERAL REGISTER (41 FR 21389) its intention to develop, in cooperation with consumers, manufacturers, producers, distributors, retailers, and other interested groups, a voluntary consumer product information labeling program, provided that substantial need and support for such a program is demonstrated at the three scheduled informal public hearings that were set out in that notice.

The May 25 notice pointed out that the precise meeting places for the hearings that were scheduled for Los Angeles and Chicago had not been finalized at the time the notice appeared, but that such information would be provided in the Federal Register of June 2, 1976. Accordingly, the precise meeting places for the Los Angeles and Chicago hearings are set out below as well as the locale for the third hearing in Washington, D.C., which had previously been furnished.

The Los Angeles hearing will take place on Wednesday, June 23, 1976 at 10 a.m. Pacific Daylight Saving Time in the Regency Ballroom East of the Hyatt Regency Los Angeles. The Hyatt Regency Los Angeles is located at Broadway Plaza, 711 South Hope Street, Los Angeles, California 90017.

The Chicago Hearing will take place on Tuesday, June 29, 1976 at 10 a.m. Central Daylight Saving Time in the Rosemont Ballroom C of the Hyatt Regency O'Hare. The address of the Hyatt Regency O'Hare is River Road at Kennedy Expressway, Chicago, Illinois 60666.

As stated in the May 25, 1976 notice, the third hearing will be held on Wednesday, June 30, 1976, at 10 a.m. Eastern Daylight Saving Time in the Department of Commerce Auditorium, Main Commerce Building, 14th Street between E Street and Constitution Avenue, N.W., Washington, D.C.

Persons desiring to testify at these hearings are reminded that they should notify the Assistant Secretary for Science and Technology, Room 3862, U.S. Department of Commerce, Washington, D.C., as promptly as possible, and not later than 48 hours prior to the date of the hearing at which they will testify. Such persons should also submit four copies of their statement to the Assistant Secretary for Science and Technology, not later than 48 hours prior to the start of the hearings at which they will testify.

Written comments on the proposed program as described in the May 25 notice were also requested in that notice. Accordingly, persons desiring to do so are reminded that such comments should be submitted to the Assistant Secretary for Science and Technology, in four copies, on or before July 9, 1976.

Any person who wishes information concerning the forthcoming hearings or about the Department's proposed voluntary consumer product information labeling program may call or write Dr. Melvin R. Meyerson, Chief, Product Systems Analysis Division, National Bureau of Standards, Washington, D.C. 20234, telephone number (301) 921-2907.

Issued: May 26, 1976.

BETSY ANCKER-JOHNSON,
Assistant Secretary for Science and Technology.

[FR Doc.76-15818 Filed 5-26-76;3:05 pm]

[Transmittal 293; Department Organization Order 25-4B]

OFFICE OF MINORITY BUSINESS ENTERPRISES

Organization and Assignment of Function

Correction

In FR Doc. 76-15045, appearing on page 21209, in the issue of Monday, May 24, 1976 make the following change:

On page 21210, the correct spelling for the first signature should have read; "Alex Armindaris".

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

ADVISORY COUNCIL ON WOMEN'S EDUCATIONAL PROGRAMS

Meeting

Notice of public meeting of the Advisory Council on Women's Educational Programs.

Notice is hereby given, pursuant to Pub. L. 92-463, that the next meeting of the Information Resources Committee of the Advisory Council on Women's Educational Programs will be held from 9 a.m. to 5 p.m. June 18 and from 9 a.m. to 3 p.m. on June 19, 1976 at the Wisconsin Center, 710 Langdon Street, Madison, Wisconsin.

The Advisory Council on Women's Educational Programs is established pursuant to Pub. L. 93-380, sec. 408(f)(1). The Council is mandated to (a) advise the Commissioner with respect to general policy matters relating to the administration of the Women's Educational Equity Act of 1974; (b) advise and make recommendations to the Assistant Secretary concerning the improvement of educational equity for women; (c) make recommendations to the Commissioner with respect to the allocation of any funds pursuant to Section 408 of Public Law 93-380, including criteria developed to insure an appropriate distribution of approved programs and projects throughout the Nation; and (d) develop criteria for the establishment of program priorities.

The meeting of the Information Resources Committee will be open to the public. The agenda for the meeting will include (1) a public consultation session on educational equity for rural women in the Heartland region from 9 a.m. to 5 p.m. on June 18 and from 9 a.m. to noon on June 19; (2) a Committee discussion of the information gathered at the con-

sultation session from noon to 3 p.m. on June 19.

Records will be kept of all Council proceedings and will be available at the Council offices at Suite 821, 1832 M Street, NW., Washington, D.C.

Signed at Washington, D.C. on May 27, 1976.

JOY R. SIMONSON,
Executive Director.

[FR Doc.76-15965 Filed 6-1-76;8:45 am]

Food and Drug Administration

ADVISORY COMMITTEES

Notices of Meetings

Correction

In FR Doc. 76-14481 appearing on page 20606 in the FEDERAL REGISTER of Wednesday, May 19, 1976 the following correction should be made:

On page 20608, in the second column, under the first table, the sixth line should read, "Executive Secretary by June 4, 1976."

[Docket No. 76N-0172; NADA No. 9-073 etc.]

HESS AND CLARK ET AL.

Furazolidone (NF-180); Notice of Opportunity for Hearing on Proposal To Withdraw Approval of Certain New Animal Drug Applications

Correction

In FR Doc. 76-13969 appearing on page 19907 in the FEDERAL REGISTER of Thursday, May 13, 1976 the following corrections should be made:

1. On page 19909 in the second column, the twelfth line of the third full paragraph should read, "used only as a synonym for "neoplasm" ". Also in the third column in the third entire paragraph, the sixth line should read, "the 0.025% dose level ($p<.02$) and the".

2. On page 19910 in the third column, fourth paragraph, the seventh line should read: "in the number of female rats with".

3. On page 19916 in the first column, eleventh line from the top, the word "of" should be "or". In the second column, fourth line from the top, the word "appearances" should read "appearance" and in the sixth line the word "rate" should be "rat".

Office of the Secretary

OFFICE OF THE ASSISTANT SECRETARY FOR HEALTH

Statement of Organization, Functions, and Delegations of Authority

Part II, Chapter 11, of the Statement of Organization, Functions, and Delegations of Authority of the Department of Health, Education, and Welfare, entitled Office of the Assistant Secretary for Health (38 FR 18571-74, as amended) is amended to change the title of the Office of Nursing Home Affairs to the Office of Long Term Care, in order to reflect the expanded responsibilities of this office for all aspects of long term care.

Section 11-B Organization and Functions is amended as follows: Delete the title for the *Office of Nursing Home Affairs (1NO8)* and substitute the following title: *Office of Long Term Care (1NO8)*.

Within the functional statement for the *Office of Nursing Home Affairs (1NO8) delete all reference to the* "Office of Nursing Home Affairs" and "ONHA" and substitute the "Office of Long Term Care" and "OLTC."

JOHN OTTINA,
Assistant Secretary for Administration and Management.

MAY 24, 1976.

[FR Doc.76-15967 Filed 6-1-76;8:45 am]

OFFICE OF SPECIAL PROJECTS

Statement of Organization, Functions, and Delegations of Authority

Part 1 of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health, Education, and Welfare, Office of the Secretary, is amended to add to Chapter 1B a new subchapter 1B50, Office of Special Projects. The new subchapter reads as follows:

1B50.00 *MISSION.* The Office of Special Projects provides service to the Secretary and Under Secretary in carrying out the Secretary's policy in establishing, staffing and performing related activities concerning Departmental advisory committees. The Office of Special Projects also provides assistance and advice to applicants for noncareer positions and others requesting information and service.

1B50.10 *ORGANIZATION.* The Office of Special Projects is under the direction of the Assistant to the Secretary for Special Projects, who reports directly to the Secretary and Under Secretary. It consists of the following:

Advisory Committee Staffing Branch.
Department Committee Management Branch.
Area Liaison and Administrative Staff.

1B50.20 *FUNCTIONS.* A. Advisory Committee Staffing Branch. (1B5001).

1. Reviews candidates for membership on Secretarially and Presidentially appointed advisory councils and committees whose names have been submitted by the Department's Principal Operating Components, public and private groups, and Members of Congress, to ensure that the slates of candidates submitted to the Secretary will meet the Secretary's requirements and legal requirements for representative and balanced membership. This Branch also carries out all of the Secretary's policy concerning advisory committee staffing.

2. Responds to all correspondence addressed to the Secretary which relates to the staffing of advisory councils and committees.

3. Advises the Secretary of special problems of council and committee staffing.

4. Coordinates all Departmental activities concerning advisory committee staffing.

B. Department Committee Management Branch (1B5002).

1. Serves as the focal point within the Department for the establishment, utilization, management, and continuation or termination of all HEW public advisory committees.

2. Establishes uniform administrative guidelines and management controls for advisory committees within the purview of the Department consistent with directives and guidelines of the Office of Management and Budget, and as required under the Federal Advisory Committee Act, and by General Services Administration, and other agencies as necessary.

3. Makes annual reports to the Congress, Office of Management and Budget, and others as required by pertinent statutes, Executive Orders, and directives, and ad hoc reports as required.

4. Carries out, on behalf of the Secretary, through approved arrangements with the Principal Operating Components, Public Health Service Agencies, Education Agencies, and staff offices of the Office of the Secretary, the assembling and maintenance of the reports, records, and other papers of advisory committees within the purview of the Department, and the provisions of section 552 of title 5, United States Code.

5. Coordinates committee management activities within the Department and ensures that the Secretary's policies are being carried out.

6. Performs committee management functions as required for interdepartmental and Departmental committees and councils.

C. Area Liaison and Administrative Staff (1B5003).

1. Conducts initial interviews of applicants for non-career positions and counsels job seekers on procedures and requirements. Provides information and service to applicants seeking advice.

2. Answers correspondence for the Secretary from Members of Congress, the public and others on the subject of noncareer employment opportunities.

3. Provides written and oral briefings to the Secretary as requested.

4. Provides administrative support to the Office of Special Projects.

JOHN OTTINA,
Assistant Secretary for Administration and Management.

MAY 19, 1976.

[FR Doc.76-15968 Filed 6-1-76;8:45 am]

ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH ADMINISTRATION

Statement of Organization, Functions and Delegations of Authority

Part 13 (Alcohol, Drug Abuse, and Mental Health Administration) of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health, Education, and Wel-

fare (39 FR 1654, as amended), is hereby amended to reflect the transfer of the criminal justice function from the Division of Community Assistance to the Division of Resource Development, National Institute on Drug Abuse.

In Section 13–B, Organization and Functions, the part headed National Institute on Drug Abuse (CCOO) is amended by inserting in lieu of the paragraph titled *Division of Resource Development (CC43)* the following:

DIVISION OF RESOURCE DEVELOPMENT (CC43)

(1) Plans, develops and supports programs designed to insure the training and availability of qualified and competent manpower in the drug abuse field; (2) conducts and supports educational programs directed at reducing the incidence of drug abuse; (3) designs and develops innovative programs of drug abuse treatment and rehabilitation including rehabilitation demonstration programs for Federal, State, and local criminal justice systems; (4) plans, develops and carries out programs to identify changing patterns and predict future problem areas of drug abuse; (5) collaborates with the Division of Community Assistance in assisting States and communities in developing drug abuse prevention and control programs.

The part headed *National Institute on Drug Abuse (CCOO)* is further amended by inserting in lieu of the paragraph headed *Division of Community Assistance (CC45)* the following:

DIVISION OF COMMUNITY ASSISTANCE (CC45)

(1) Plans, develops and administers the Institute's treatment and rehabilitation programs; (2) assumes primary Institute responsibility for the rendering of technical assistance to States in collaboration with Regional Offices; (3) insures the development, implementation and compliance with quality treatment standards at reasonable cost.

Dated: May 24, 1976.

JOHN OTTINA,
Assistant Secretary for Administration and Management.

[FR Doc.76–15966 Filed 6–1–76;8:45 am]

Office of the Assistant Secretary for Health

NATIONAL COMMISSION FOR THE PROTECTION OF HUMAN SUBJECTS OF BIOMEDICAL AND BEHAVIORAL RESEARCH

Rescheduled Meeting

Notice is hereby given that the meeting of the National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research scheduled for June 11 and 12, 1976 and announced in the FEDERAL REGISTER on April 19, 1976 (41 FR 16495) has been rescheduled. The meeting will be held on June 11, 12 and 13, 1976, in Conference Room 6, C Wing, Building 31, National Institutes of Health, 900 Rockville Pike, Bethesda, Maryland 20014. The meeting will be held on June 13 only if it is determined to be necessary at the meeting of the Commission on June 12. The meeting will be open to the public from 9 a.m. to adjournment on June 11 and 13 and from 10:30 a.m. to adjournment on June 12, subject to the limitations of available space.

As previously announced, the Commission will hold a public hearing on psychosurgery at the meeting on June 11, 1976. Requests to speak at the public hearing should have been filed not later than May 7, 1976. On June 11 after the public hearing, and on June 12 and 13, 1976 the Commission will discuss issues identified in the legislative mandate to the Commission under Public Laws 93–348 and 94–278; including discussion of psychosurgery and draft reports on the use of prisoners, children and the institutionalized mentally infirm as research subjects.

In accordance with the provisions of section 10(d) of Public Law 92–463, the meeting will be closed to the public from 9 a.m. to 10:30 a.m. on June 12, for the discussion of internal personnel matters the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Requests for information should be directed to Ms. Anne Ballard (301) 496–7776, Room 125, Westwood Building, 5333 Westbard Avenue, Bethesda, Maryland 20016.

Dated: May 19, 1976.

CHARLES U. LOWE,
Executive Director, National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research.

[FR Doc.76–16061 Filed 6–1–76;8:45 am]

ADVISORY COUNCIL ON HISTORIC PRESERVATION

EXECUTED MEMORANDA OF AGREEMENT

Pursuant to § 800.6(a) of the Advisory Council's "Procedures for the Protection of Historic and Cultural Properties" (36 CFR Part 800), notice is hereby given that the following Memoranda of Agreement were executed during the months of April and May 1976. The Memoranda of Agreement were executed in fulfillment of Federal agencies responsibilities for protection of properties on or eligible for inclusion in the National Register of Historic Places in accordance with Section 106 of the National Historic Preservation Act of 1966 and Executive Order 11593, May 13, 1971.

Fort Ancient Archeological Site, Lawrence County, Kentucky, affected by the construction of the new Louisa-Fort Gay Bridge, undertaken by the Federal Highway Administration (4/5/76);

John Muir Historic Site, Martinez, California, affected by the Master Plan for the John Muir Historic Site, an undertaking of the National Park Service (4/5/76);

"New Site A," Santa Rosa, California, affected by the Santa Rosa Project Center, an undertaking of the Department of Housing and Urban Development (4/5/76);

Eligible Properties, Marion County, Indiana, affected by the Community Development Program of 1975, 1976, 1977, undertaken by the City of Indianapolis and funded by the Department of Housing and Urban Development (4/9/76);

Ute Mountain Ute Mancos Canyon Historic District, Ute Mountain Indian Reservation, Colorado, affected by ground disturbing activities (including exploration for and development of oil, natural gas, uranium and coal resources; land clearance and development for agricultural purposes; development of Mancos Canyon Indian Park) undertaken by the Bureau of Indian Affairs (4/9/76);

Archeological Site #10–NP–151, Lewiston, Idaho, affected by the development of Hells Gate Recreation Area by the U.S. Army Corps of Engineers (4/15/76);

Eligible Properties, Franklin County, Ohio, affected by a Rehabilitation Loan Program undertaken by the City of Columbus and funded by the Department of Housing and Urban Development (4/15/76);

Fort Loudoun, Monroe County, Tennessee, affected by the Reconstruction and Protection Plan of the Tennessee Valley Authority (4/15/76);

Oahu Railroad and Land Company Right-of-Way, Oahu, Hawaii, affected by issuance of a license for construction of certain improvements to water circulation tunnels which extend under the Naval Magazine, Lualualei Railroad Right-of-Way, by the Department of Defense, Department of the Navy (4/15/76);

Eligible Properties, Ashtabula County, Ohio, affected by the Ashtabula Community Development Programs, 1975, 1976, 1977, undertaken by the City of Ashtabula and funded by the Department of Housing and Urban Development (4/16/76);

Tower House Historic District, Shasta-Trinity National Recreation Area, California, affected by emergency stabilization actions (including removal of collapsed porches, covering of doors and windows and bracing as necessary) undertaken by the National Park Service (4/16/76);

Eligible Properties, Alaska, affected by the Alaska Native Claims Settlement Act of 1971 (involving land transfer) undertaken by the Department of the Interior (4/18/76);

Fort McHenry National Monument and Historic Shrine, Baltimore City, Maryland, affected by construction of I–95 in Baltimore, a project of the Federal Highway Administration (4/22/76);

Eligible Properties, Providence County, Rhode Island, affected by Community Development Projects, 1975, 1976, 1977, undertaken by the City of Providence and funded by the Department of Housing and Urban Development (4/28/76);

Archeological Sites, San Juan County, New Mexico, affected by the New Mexico State Highway Department's continuing reconstruction program of U.S. Highway 666, assisted by the Federal Highway Administration (4/29/76);

Westminster Historic District, Westminster, Maryland, affected by the demolition of two properties undertaken by the City of Westminster Community Development Program and funded by the Department of Housing and Urban Development (5/9/76);

Eligible Properties, Cortland, New York, affected by the Neighborhood Rehabilitation Program undertaken by the City of Cortland and funded by the Department of Housing and Urban Development (5/10/76);

Independence National Historical Park,

Philadelphia, Pennsylvania, affected by the rehabilitation of the Mikveh Israel Cemetery, undertaken by the National Park Service (5/10/76);

Ozette Village Site, Clallam County, Washington, affected by archeological excavations funded by the National Park Service (5/10/76);

Williams Memorial Institute, New London, Connecticut, affected by acquisition and renovation through a Community Development Block Grant, undertaken by the City of New London and funded by the Department of Housing and Urban Development (5/10/76);

Archeological Sites, Dona Ana County, New Mexico, affected by the Placitas Arroyo Watershed Project of the Soil Conservation Service (5/12/76);

Piatt's Landing, Boone County, Kentucky, affected by the construction of a coal-burning power plant, an undertaking requiring a permit from the U.S. Army Corps of Engineers (5/12/76);

Bass Lake Recreation Area, Sierra National Forest, California, affected by the proposed sewer system improvements project of the Forest Service (5/12/76);

Gateway National Recreation Area, Staten Island, New York, affected by the proposed demolition of Airplane Hangar North (Building #33), at Miller Field, undertaken by the National Park Service (5/17/76);

A. Hatt Buildings, Napa, California, affected by the construction of channel improvemonths of the Napa River, an undertaking of the U.S. Army Corps of Engineers (5/21/76);

Becker House, Hamilton County, Ohio, affected by improvements to Crescentville Road (SU-1250(4)) by the Federal Highway Administration (5/21/76);

Behlow Building, Napa, California, affected by the Parkway Plaza Neighborhood Development Program, a project of the Department of Housing and Urban Development (5/21/76);

Saylorville Archeological District, Des Moines River, Iowa, affected by construction of the Saylorville Lake Flood Control Project, undertaken by the U.S. Army Corps of Engineers (5/21/76).

These Memoranda were executed in accordance with § 800.5 of the Advisory Council's procedures. The Memoranda are available for inspection at the Advisory Council offices, Suites 430 and 1030, 1522 K Street NW., Washington, D.C. 20005. Further information is available from the Director, Office of Review and Compliance, Advisory Council on Historic Preservation, at the above address.

JOHN D. MCDERMOTT,
Acting Executive Director.

[FR Doc.76-15945 Filed 6-1-76;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket 29048]

AIR HAITI, S.A. FOREIGN PERMIT RENEWAL

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in this proceeding is assigned to be held on June 22, 1976, at 9:30 a.m. (local time) in Room 1003, Hearing Room B, 1875 Connecticut Avenue NW., Washington, D.C., before Administrative Law Judge Frank M. Whiting.

Dated at Washington, D.C., May 26, 1976.

[SEAL] ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.76-15969 Filed 6-1-76;8:45 am]

[Docket 26973]

AEROMAR, C. POR A

Remanded Proceeding; Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on June 24, 1976, at 9:30 a.m. (local time), in Room 1003, Hearing Room C, Universal North Building, 1875 Connecticut Avenue, Washington, D.C.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to the prehearing conference report served on May 17, 1976, and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., May 26, 1976.

[SEAL] RICHARD V. BACKLEY,
Administrative Law Judge.

[FR Doc.76-15970 Filed 6-1-76;8:45 am]

[Docket 29258]

DAN-AIR SERVICES LTD.

Prehearing Conference and Hearing

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on June 14, 1976, at 9:30 a.m. (local time) in Room 1003, Hearing Room D, 1875 Connecticut Avenue, N.W., Washington, D.C. before Administrative Law Judge Frank M. Whiting.

Notice is also given that the hearing may be held immediately following conclusion of the prehearing conference unless a person objects or shows reason for postponement on or before June 9, 1976.

Ordinary transcript will be adequate for the proper conduct of this proceeding.

Dated at Washington, D.C., May 26, 1976.

[SEAL] ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.76-15971 Filed 6-1-76;8:45 am]

[Docket 27573, Agreement C.A.B. 25865; Order 76-5-137]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Specific Commodity Rates

Issued under delegated authority May 26, 1976.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers, and other carriers embodied in the resolutions of the Joint Traffic Conferences of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 dealing with specific commodity rates.

The agreement names an additional specific commodity rate as set forth below, reflecting reductions from general cargo rates, and was adopted pursuant to unprotested notices to the carriers and promulgated in IATA letter dated May 19, 1976.

Specific commodity item No.	*Description and rate*
9282	Plastic Toy Movie Cameras, 169c/kg., minimum weight 300 kgs., from Athens to New York.

Pursuant to authority delegated by the Board in the Board's regulations, 14 CFR 385.14, it is not found that the subject agreement is adverse to the public interest or in violation of the Act, provided that approval is subject to the conditions hereinafter ordered.

Accordingly, *it is ordered*, That: Agreement C.A.B. 25865 is approved, provided that approval shall not constitute approval of the specific commodity description contained therein for purposes of tariff publications; provided further that tariff filings shall be marked to become effective on not less than 30 days' notice from the date of filing.

Persons entitled to petition the Board for review of this order, pursuant to the Board's regulations, 14 CFR 385.50, may file such petitions within ten days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period, unless within such period a petition for review thereof is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

By James L. Deegan, Chief Passenger and Cargo Rates Division Bureau of Economics.

[SEAL] PHYLLIS T. KAYLOR,
Acting Secretary.

[FR Doc.76-15972 Filed 6-1-76;8:45 am]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

[Docket 27573, Agreement C.A.B. 25838; Order 76-5-131]

Specific Commodity Rates

Issued under delegated authority May 26, 1976.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers,

foreign air carriers and other carriers, embodied in the resolutions of the Joint Traffic Conferences of the International Air Transport Association (IATA). The agreement was adopted at the 21st meeting of the Joint Specific Commodity Rates Board held in Geneva on March 29–April 2, 1976 and has been assigned the above C.A.B. agreement number.

With respect to air transportation as defined by the Act, the agreement proposes revisions to the specific commodity rates structures applicable on the North Atlantic, North/Central Pacific and South Pacific market areas. These revisions are outlined in the attachments hereto, and reflect reductions from otherwise applicable general cargo rates.

Pursuant to authority duly delegated by the Board in the Board's Regulations, 14 CFR 385.14, it is not found that the subject agreement is adverse to the public interest or in violation of the Act, provided that approval is subject to the conditions hereinafter ordered.

Accordingly, *it is ordered*, That: Agreement C.A.B. 25838 [1] be and hereby is approved, provided that approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publications; provided further that tariff filings shall be marked to become effective on not less than 30 days' notice from the date of filing.

Persons entitled to petition the Board for review of this order, pursuant to the Board's Regulations, 14 CFR 385.50, may file such petitions within ten days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period, unless within such period a petition for review thereof is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

By James L. Deegan, Chief, Passenger and Cargo Rates Division, Bureau of Economics.

[SEAL] PHYLLIS T. KAYLOR,
Acting Secretary.

[FR Doc.76-15973 Filed 6-1-76;8:45 am]

[Docket 28583, Agreement CAB 5044-A187; Order 76-5-111]

AIR TRAFFIC CONFERENCE OF AMERICA

Order Approving Agreement

Agreement among the members of the Air Traffic Conference of America relating to the payment of commissions for the sale of charters—procedures.

The Air Traffic Conference of America (ATC), on behalf of its members, has filed with the Board for prior approval, pursuant to section 412(a) of the Act and Subpart P of the Board's rules of practice (14 CFR 302.1601–1608), a resolution (Agreement CAB 5044–A187) relating to procedures for the payment of commissions on the sale of charter flights.[1]

The agreement amends ATC Resolution 80.10, Air Traffic Conference Agency Resolution, to provide that no commission shall be paid to any agent—

> Unless the travel agent brings the charter business to the carrier, evidence of which being the entering of the travel agency name in an appropriate space in the charter contract at the time of signing such contract. If no travel agent is involved, the word "NONE" must be entered in the appropriate place in the contract and the entry initialled by the charterer. The travel agent named in the charter contract shall be the corporate entity, partnership or owner of the agency. An individual agency employee does not meet this requirement. A charter cannot move from one agency to another in the event of a change in employee status.

The stated objective of the agreement is to clarify and make mandatory the procedure to be followed in the payment of commissions for the sale of charter flights. In this regard, ATC states that at the present time there is no standard industry procedure requiring the entry of the name of the travel agency on the charter contract prior to flight date.

In support of the agreement, ATC asserts that it is of the opinion that the basic role of an agent in connection with the sale of charter flights is to bring together by contract the chartering organization and the direct air carrier. Thus, according to ATC, the selection of a travel agency after the carrier and the charterer have negotiated and executed a contract does not fulfill this basic role on which commissions may be paid.[2] ATC further asserts that requiring the provision of details identifying the travel agency in the contract at the time of signature will help prevent rebates to chartering organizations.

Comments in opposition to the agreement have been filed by the American Automobile Association, Inc. (AAA), and the Association of Retail Travel Agents (ARTA, Ltd.) (ARTA).

AAA objects to the agreement on both procedural and substantive grounds. With regard to the former, AAA asserts that the agreement was promulgated without carrier-agency dialogue, contrary to Board admonitions that issues relating to travel agents be the subject of joint consideration.[3] Thus, AAA asks the Board to reject the agreement. As to the merits of the agreement, AAA states, *inter alia*, that no provision is made in the agreement for situations in which contracts are negotiated directly between carriers and charterers as a result of a prior consultation with a travel agent who made some initial recommendations to the charterer concerning the type and identity of carriers. Thus, AAA asserts that an opportunity to designate an agent should remain open for a period of 30 days. AAA further asserts that, even if the execution of the charter contract was the single most important step, there is considerable work remaining which only qualified agents can perform, *e.g.*, agreements frequently have to be amended, fares redetermined, and special servicing coordinated. AAA states that an agent cannot be expected to perform these functions without compensation or refuse to do so if the charterer has retained him for the purpose of making only ancillary arrangements which produce little or no profit. Moreover, since travel agency income depends on a total mix of business, in most cases agents would find that the absence of commission on the combination of transportation and land arrangements would make the transaction marginally profitable, with undesirable effects on the public.

In its answer to the application, ARTA asserts that there is no public need or justification for a mandatory regulation as proposed by ATC but, rather, that each carrier should be free to make a business judgment, on the basis of its own marketing desires, of the role it wishes to assign to travel agents. In this regard, ARTA states that certain carriers may well adhere to the position that the basic role of the agent in connection with the sale of charter flights is to bring together by contract the charterer and the carrier; however, other carriers may wish to adopt a different point of view. ARTA contends that the antitrust immunity granted by section 412 should not be used as a vehicle to reduce the market area in which the travel agency industry may operate and compete.

ATC has filed replies to the comments of both AAA and ARTA. In reply to ARTA, ATC states, *inter alia*, that the agreement achieves three objectives implicit in the Board's philosophy concerning the relationship between carrier and agent with respect to charters: it makes clear that the *sine qua non* for the payment of a commission is the introduction of the charterer to the carrier through contract; it specifies the basic duty of the travel agent consistent with previous Board statements on international charters; and it presents a uniform system for charterers and travel agents to rely on, decreasing the possibility for discrimination and rebates by "friendly" travel agents who are brought in by charterers at the last minute after they have dealt directly with a carrier. ATC contends that agents who actually do the work will be able to protect themselves by being named in the contract.

ATC's reply to the comments of AAA initially deals with AAA's request for rejection of the agreement on procedural grounds. In this regard, ATC indicates,

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[1] Agreements filed as part of the original document.

[1] ATC is participating in this proceeding representing its air carrier members at their request in accordance with the requirements of Part 263 of the Board's Regulations, 14 CFR 263.

[2] According to ATC, other activities of the agency, such as the solicitation of chartering organizations for passengers and the collection of individual checks, are done for the convenience of the charterer and are not activities for which the carrier pays a commission to the agent.

[3] The agreement was adopted at the ATC meeting of Nov. 18–20, 1975, at Dallas, Tex., after a similar agreement had failed of adoption by mail vote.

inter alia, that the agreement was raised by AAA at a dialogue meeting of October 6, 1975, and that there was no substantive discussion on the matter at that time because it was pending a mail vote among ATC members. However, it was stated that if the proposal were adopted, it would be sent to the Board, at which time AAA could comment thereon. In addition, ATC asserts that AAA knew that, if the mail vote failed, its representative could appear at the next meeting of the full Conference before any filing with the Board. The mail vote failed, the matter was placed on the agenda, and AAA did appear and comment. Turning to AAA's substantive comments and regarding AAA's concern that an agent may be left out of a final charter arrangement in cases in which the agent actually had some initial involvement with the charterer, ATC asserts that agents are businessmen and as such are supposed to know what they are selling, to whom they are selling, and for whom they are selling. Thus, if the agent has "sold" a charterer he will try hard to get a contract for the carrier, and he will, in the process, be sure to get his name on the contract. ACT also asserts that various services which the agent may perform for the charterer, such as assistance on passports, customs, insurance, etc., have nothing to do with air transportation but might form the basis for separate charges to the charter participants.

Upon consideration of the foregoing and all relevant facts, we have decided to approve the subject agreement and to deny the requests of AAA and ARTA for disapproval.[4] In reaching this conclusion, we recognize and have considered the concern of AAA and ARTA that individual agents under certain circumstances may not receive credit for their involvement in the sale of particular charter flights. However, on consideration of all the circumstances surrounding the sale of charter flights and the payment of commissions thereon, we believe that the ATC proposal is basically sound and worthy of approval.

Our decision in this matter is based on several factors. To begin with, we have looked at the language of the Air Traffic Conference Agency Resolution and the Air Traffic Conference Sales Agency Agreement. The Preamble of the Agency Resolution states:

> The purpose of this Resolution is to encourage the promotion and sale of air passenger transportation by Agents and of Members * * *.

The same resolution (section I) further states:

> The term "Agent" means any person included on the Agency List for the purpose of selling air passenger transportation * * *.

The resolution also reads (section VIII):

> No commission shall be paid to any Agent (1) unless such Agent issued a ticket or a miscellaneous charges order covering air passenger transportation for the sale of which the commission is paid * * *.

Similarly, the Agency Agreement states (paragraph 2):

> During the term of this Agreement the Agent shall represent the Carrier for the purpose of promoting and selling air passenger transportation offered by the Carrier * * *.

and (paragraph 8):

> As remuneration for the services performed by the agent hereunder the carrier agrees * * * to pay the agent as commission a percentage of the fees and charges applicable to the air passenger transportation offered by the carrier which is sold by the agent hereunder. Such commission shall be accepted by the agent as full compensation for the services rendered to the carrier hereunder.

From the foregoing we believe that it is evident that the relationship established between the carriers and their agents by the Agency Resolution and the Sales Agency Agreement is intended to culminate in the sale by the agents of air passenger transportation on behalf of the ATC members. In this regard, it also appears that the promotional activities of the ATC agents should be those directed toward the sale of transportation by air. Thus, the ATC position—that the basic role of a travel agency in connection with the sale of charter flights which are subject to, and commissionable under, the ATC Agency Resolution and Sales Agency Agreement is to bring together by contract the chartering organization and the air carrier—is reasonable. Similarly, we find reasonable the requirement of Agreement CAB 5044–A187 that, as evidence of such a bringing together, and, thus, the sale of a charter flight, the travel agent's name appear on the charter contract at the time of signing in order for a commission to be paid.

While it appears that there may very well be certain ancillary tasks to be performed by the agents, both before and after the sale, in connection with the charter air transportation they have sold on behalf of the air carriers, in our opinion the commission provisions of the ATC Agency Resolution and Sales Agency Agreement are there to compensate the agent for its efforts in selling a charter flight, and, if the sale is not accomplished by the agent, there is no basis for remuneration.[5] In other words, if the agent fails to deliver the finished product, *i.e.*, a charter contract between the charterer and the carrier, then the agent has failed to meet his primary responsibility under the Sales Agency Agreement. Therefore, we have concluded that the ATC proposal to formalize the procedure which evidences, at the time of signing, the bringing together of the contracting parties by the agent is warranted.

As to the provision of the agreement that requires that the travel agent named in the contract be the agency itself and not an employee of the agency, we believe that that provision represents the logical expectations of the carriers, for, as pointed out by ATC, the ATC Sales Agency Agreement is entered into between the agent and the carrier, not between an employee of the agent and the carrier.

Therefore, pursuant to authority duly delegated by the Board in the Board's Regulations, 14 CFR 385.13 and 385.3, it is found that Agreement CAB 5044–A187 is not adverse to the public interest or in violation of the Act and should be approved. In addition, it is found that the requests of AAA and ARTA should be denied.

Accordingly, *it is ordered*, That: 1. Agreement CAB 5044–A187 be and it hereby is approved;

2. The requests of AAA and ARTA in docket 28583 be and they hereby are denied; and

3. This order shall be served upon ATC and its member air carriers; The American Society of Travel Agents, Inc.; the Association of Retail Travel Agents (ARTA, Ltd.); The American Automobile Association, Inc.; The Association of Bank Travel Bureaus; and the U.S. Department of Justice.

Persons entitled to petition the Board for review of this order pursuant to the Board's regulations, 14 CFR 385.50, may file such petitions within 10 days of the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period unless within such period a petition for review thereof is filed or the Board gives notice that it will review this order on its own motion.

This order shall be published in the FEDERAL REGISTER.

By Bruce E. Cunningham, Director, Bureau of Operating Rights.

[SEAL] PHYLLIS T. KAYLOR,
Acting Secretary.

[FR Doc.76-15974 Filed 6-1-76;8:45 am]

[4] In this regard, while we believe it would have been better for ATC to have provided for discussion with the various agency organizations prior to submitting the original proposal to its members for mail vote, we nevertheless also believe that it is clear that the agents had an opportunity to present their views on the agreement submitted to the Board prior to its adoption by ATC.

[5] As ATC has pointed out, there are also certain services which agents may perform on behalf of the charterer which are not related to the sale of air transportation. Such services may be of the type for which the agent could charge the charterer. In this connection, see, for example, order 70–12–165, Dec. 31, 1970, pp. 32 and 33.

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

PROCUREMENT LIST 1976

Notice of Proposed Addition

Notice is hereby given pursuant to section 2(a)(2) of Public Law 92–28; 85 Stat. 79, of the proposed addition of the following service to Procurement List 1976, November 25, 1975 (40 F.R. 54742).

SIC 0782: Grounds Maintenance, State Line Recreation Park, West Point, Georgia.

Comments and views regarding this proposed addition may be filed with the Committee not later than July 2, 1976. Communications should be addressed to the Executive Director, Committee for Purchase from the Blind and Other Severely Handicapped, 2009 Fourteenth Street North, Suite 610, Arlington, Virginia 22201.

This notice is automatically cancelled six months from the date of this FEDERAL REGISTER.

By the Committee.

E. R. ALLEY, Jr.,
Acting Executive Director.

[FR Doc.76-15943 Filed 6-1-76;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 551-5; OPP-30000/5A]

PESTICIDE PROGRAMS

Extension of Period for Submission of Rebuttal Evidence and Comments With Regard to Presumption Against Registration and Continued Registration of Pesticide Products Containing Chloroform (Trichloromethane)

On April 6, 1976, the Environmental Protection Agency published (41 FR 14588) a notice of presumption against registration and continued registration of pesticide products containing the ingredient chloroform (trichloromethane). The regulations governing rebuttable presumptions provided that the applicant or registrant of such pesticide products shall have forty-five (45) days from the date such notice is sent to submit evidence in rebuttal of the presumption. However, the Administrator, for good cause shown, may grant an additional sixty (60) days in which such evidence may be submitted [40 CFR 162.11(a)(1)(i)].

Registrants of pesticide products containing the ingredient chloroform have requested an additional sixty days in which to gather and present evidence in rebuttal of the presumption. One registrant lacks the necessary technical expertise to respond to the notice of presumption and must therefore seek outside consultation. A second registrant requests additional time to adequately perform a risk/benefit literature search and a review of the "Report of Carcinogenesis Bioassay of Chloroform". National Cancer Institute, March 1, 1976, used by the Agency in support of the issuance of the notice of presumption. Another registrant has made a decision to conduct additional tests to determine whether chloroform concentrates, persists, or accrues to levels in man or the environment likely to result in any significant chronic adverse effects. A delay in the mail delivery of the Agency's notice of presumption has curtailed the time necessary to prepare a response in another instance.

Because good cause has been shown for an extension of time by those wishing to respond to the above notices, all registrants, applicants for registration, and other interested persons shall have until July 23, 1976, to submit rebuttal evidence and other comments or information. Such evidence, comments or other information relevant to the presumption against registration and continued registration should be submitted to the Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, Environmental Protection Agency, Rm. 401, East Tower, 401 M St. SW, Washington, DC 20460. Three copies of the comments should be submitted to facilitate the efforts of the Agency and others interested in inspecting them. All comments should bear the identifying notation "OPP-30000/5". Comments and information received on or before July 23, 1976, shall be considered before it is determined whether a notice shall be issued in accordance with 40 CFR 162.11(a)(5)(ii) and 7 U.S.C. 136(a)(c)(6) or 7 U.S.C. 136d(b)(1). Comments received after July 23, 1976, shall be considered only to the extent feasible consistent with the time limits imposed by 40 CFR 162.11(a)(5)(ii). All written comments filed pursuant to this notice as well as the file supporting the Agency's presumption against this pesticide will be available for public inspection in the office of the Federal Register Section at the above address from 8:30 a.m. to 4:30 p.m. on normal business days.

Dated: May 24, 1976.

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

[FR Doc.76-15882 Filed 6-1-76;8:45 am]

[FRL 552-1; OPP-30110]

PESTICIDE PROGRAMS

Receipt of Application To Register a Pesticide Product Containing a New Active Ingredient

American Cyanamid Co., PO Box 400, Princeton NJ 07540, has submitted to the Environmental Protection Agency (EPA) an application to register the pesticide product AVENGE (EPA File Symbol 241-ELN), containing 31.8% of the active ingredient Difenzoquat methyl sulfate (1,2-dimethyl-3,5-diphenyl-1*H*-pyrazolium methyl fulfate) which has not been included in any previously registered pesticide products. The application received from American Cyanamid Co. proposes that the product be classified for general use as a herbicide for controlling wild oat in barley and wheat. PM23

Application was made pursuant to the provisions of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973, 7 U.S.C. 136 et seq.), and the regulations thereunder (40 CFR 162). Notice of receipt of this application is made in accordance with the provisions of Section 3(c)(4) of FIFRA [40 CFR 162.2(b)(6)] and does not indicate a decision by the Agency on the application.

Any Federal agency or other interested persons are invited to submit written comments on this application to the Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, Environmental Protection Agency, Rm. 401, East Tower, 401 M St. SW, Washington DC 20460. Three copies of the comments should be submitted to facilitate the work of the Agency and others interested in inspecting them. The comments must be received on or before July 2, 1976 and should bear a notation indicating the EPA File Symbol "241-ELN." Comments received within the specified time period will be considered before a final decision is made with respect to the pending application. Comments received after the specified time period will be considered only to the extent possible without delaying processing of the application. Notice of approval or denial of this application to register Avenge will be announced in the FEDERAL REGISTER. The label furnished by American Cyanamid Co., as well as all written comments filed pursuant to this notice, will be available for public inspection in the office of the Federal Register Section from 8:30 a.m. to 4:30 p.m. Monday through Friday.

Dated: May 25, 1976.

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

[FR Doc.76-15883 Filed 6-1-76;8:45 am]

[OPP-42021; FRL 551-6]

NEW HAMPSHIRE

Submission of State Plan for Certification of Pesticide Applicators

In accordance with the provisions of section 4(a)(2) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136) and 40 CFR Part 171, the Honorable Meldrim Thomson, Jr., Governor of the State of New Hampshire, has submitted a State Plan for Certification of Commercial and Private Applicators of Restricted Use Pesticides to the Environmental Protection Agency (EPA) for approval on a contingency basis.

Notice is hereby given of the intention of the Regional Administrator, EPA, Region I, to grant approval of this plan on a contingency basis pending the adoption of certain necessary amendments to the New Hampshire regulations.

A summary of this plan follows. The entire plan, together with all attached appendices (except for sample examinations), may be examined during normal business hours at the following locations:

State of New Hampshire, Department of Agriculture, State House Annex, Room 201, Concord, New Hampshire 03301.
Room 2113, JFK Federal Building, Government Center, Boston, Massachusetts 02203.
Room 401, East Tower, Waterside Mall, 401 M Street SW, Washington, D.C. 20460, (Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, EPA (202) 755-4854).

SUMMARY OF NEW HAMPSHIRE STATE PLAN

The New Hampshire Department of Agriculture, acting through authority

provided the Pesticide Control Board, has been designated as the State Lead Agency for the administration of the Pesticide Applicator Certification program including enforcement activities. The Pesticide Control Board was established under the provisions of the New Hampshire Revised Statutes Annotated (NHRSA), Chapter 149–D:2, enacted in 1972 to regulate and enforce pesticide use. The administration and clerical activities of the Pesticide Control Board are the responsibility of the Commissioner of Agriculture pursuant to NHRSA 149–D:2,II. This Board meets usually at monthly intervals and adopts, after public hearing, regulations for pesticide use, sale and disposal including the designation of state-restricted and limited-use pesticides. All pesticide uses restricted or prohibited by EPA automatically receive a similar State designation upon announcement in the FEDERAL REGISTER. The composition of this Board is described in the State Plan.

Pesticides distributed within the State must be registered annually with the Department of Agriculture as provided by the Economic Poisons Law, NHRSA 438. Implementation of State pesticide regulatory and enforcement efforts is a responsibility of the Lead Agency including registration of permit or certificate holders, issuance of special use situation permits, and licensing of applicators and dealers and coordination of field, laboratory and office activities.

The only cooperative agency designated is the State Cooperative Extension Service (SCES) of the University of New Hampshire. The SCES will be responsible for conducting a comprehensive training program for private and commercial pesticide applicators to aid in attainment of the level of competency required for certification. Participation in the continuing educational efforts, offered to both commercial and private applicators, will be used as one basis of qualification for recertification. The training efforts of SCES and the educational seminars are to be coordinated through the office of Pesticide Coordinator and supported by the State and county extension service specialists.

Legal authority for New Hampshire's certification program is contained in the following laws and regulations, copies of which are a part of the State Plan:

1. Pesticides Control, NHRSA, Chapter 149–D.
2. New Hampshire State Pesticide Regulations, January 1, 1970, as revised.
3. Economic Poisons Law, NHRSA, Chapter 438.

The plan indicates that the State Lead Agency and cooperating agency have sufficient qualified personnel and funds necessary to carry out the proposed programs. The funding for support of the program in the amount of $68,245.00 is appropriated for the biennium, and currently appropriated July 1, 1975 through June 30, 1977.

The State estimates that 620 commercial applicators holding supervisory or operational level certificates of registration and 757 private applicators will need to be certified. All applicators will be provided with credentials to authorize purchase of restricted use products from licensed dealers. A special use permit will be required in addition to purchase and designate applications of State limited use pesticides.

The New Hampshire Department of Agriculture will furnish the Administrator a detailed annual report by April 1 of each year and will provide other reports as requested in conformity to 40 CFR 171.7(d).

New Hampshire intends to adopt all ten categories of commercial applicators as listed in 40 CFR 171.3. Further, New Hampshire intends to utilize subcategories within certain categories as designated below:

1. Agricultural Pest Control.
A. Plant. (1) Fruit, (2) Herbicides, (3) Field Crops.
B. Animal.
2. Forest Pest Control.
A. Forest pest control and timber treatment.
B. Christmas trees.
3. Ornamental and Turf Pest Control.
A. Shade and ornamental pest control.
B. Turf.
7. Industrial, Institutional, Structural and Health Related Pest Control.
A. Industrial, Institutional, Structural and Health Related Pest Control.
B. Mosquito and Black Fly.

In addition to the ten categories, New Hampshire requests approval for creation of an additional category to be designated Aerial Pest Control and having no subcategories. Persons to be certified in the Aerial Pest Control category, in addition to meeting general requirements for the commercial class, and specific requirements for the aerial applicator category would also be required to demonstrate competence in each specific category or subcategory in which pesticides would be applied. New Hampshire requests this additional category to provide assurance that aerial applicators have an understanding of associated hazards to ground crews and adjacent nontarget areas and wildlife. This category will involve only a small number of individuals presently estimated at fourteen.

All commercial applicators as well as those private applicators who use pesticides in the production of agricultural commodities offered for sale are required to be registered with the lead agency. While New Hampshire's definition for a private applicator is consistent with that of the FIFRA as amended, the definition for a commercial applicator as defined by statute is not. Approval of the State Plan would be in part contingent upon the State's adoption of a new definition for commercial applicators consistent with that of the amended FIFRA.

New Hampshire recognizes two major classes of applicators: private applicators and commercial applicators. All commercial applicators using any pesticide classified general or restricted-use and private applicators using a general-use pesticide in the production of an agricultural commodity that is offered for sale or a restricted-use pesticide are required to be registered. Commercial applicators who meet certification requirements are designated as holders of a certificate of registration while private applicators are designated as holders of a permit, appropriately designated for general use or restricted use pesticides.

Two levels of registered commercial applicators recognized are designated supervisory and operational. Standards of competency and other requirements for the supervisory level are more extensive and by definition permit the certificate holder to make use decisions. State regulations require at least one person registered at the operational level to be present with each crew to supervise or apply pesticides commercially.

The New Hampshire State Plan requires that applicants for a private applicator permit desiring to use rectricted-use pesticides, and all commercial registered certificate holders for both operational and supervisory levels, must pass written examinations administered by the Board as part of the determination of competency. Private applicators will be required to take a written examination in the general knowledge area and a more specific examination covering the appropriate commodity group of their operation. Commercial applicators will be required to take a general examination and a level specific examination. In addition to the above requirement, supervisory level commercial applicators are required to pass an oral examination administered by the Board. The written examination for both commercial and private applicators will be based on the standards of competency in 40 CFR 171.

New Hampshire proposes to handle certification of private applicators unable to read on a case by case basis as provided in 40 CFR 171.5(b). Oral examinations individually administered will be provided for those private applicators for whom use of written examinations would create an unusual hardship because of poor reading comprehension. A single purchase/single use permit will be available to private applicators on a one time only basis to meet an emergency certification need, with full certification to be required for continued use beyond one season.

The agency accepts as adequate and consistent with 40 CFR 171 New Hampshire's request that a determination of compliance with 40 CFR 171.4 and 171.6 be based upon review of representative sample examination questions submitted with the State Plan.

All commercial applicators holding a valid certificate of registration at supervisory or operational level on January 1, 1975 were required to be reexamined for determination of competency before January 1, 1976, as required in the State Plan. Accordingly, New Hampshire believes that persons that have met these requirements are in compliance with 40 CFR 171.4 and 171.6 and requests a determination of their acceptancy. The Agency concurs with this position and believes the current commercial applicator li-

censing program as revised January 1, 1975 to be adequate to meet certification standards required for compliance with FIFRA, as amended.

A partial copy of each kind of written examination offered, containing representative samples of at least ten percent of the total questions used is attached to the State Plan. To preserve the confidentiality of the examination, the State of New Hampshire has requested they not be made available for public inspection. The Agency agrees with this request and has removed the examinations from public inspection copies of the plan.

The following types of credentials are issued to registered applicators as printed documents:

1. Private Applicator Permit to apply General Use Pesticides.

2. Private Applicator Permit to apply Restricted Use Pesticides.

3. Commercial Applicator Certificate of Registration with appropriate designation of level and categories authorized to apply pesticides.

Payment of an annual fee of ten dollars is required by statute for Commercial Applicator registration only, while no fee for issuance of Private Applicator permits is presently required.

The New Hampshire State Plan indicates that within sixty (60) days of the approval of the Government Agency Plan (GAP) by EPA, New Hampshire will submit a statement in accordance with 40 CFR 171.7(e)(4)(i). Until the GAP is formalized, Federal employees will be required to take the same examination required of a commercial applicator for certification.

New Hampshire has no Indian Governing Body subject to jurisdiction of the United States.

New Hampshire will consider reciprocity with other States and copies of such agreements will be furnished EPA. At present, New Hampshire has no formal agreement on reciprocity with other States involving pesticide applicator certification.

Other regulatory activities of the New Hampshire State Plan which supplement the certification program include state registration, classification for restricted use or limited use, and inspection and sampling of pesticide products. All dealers handling restricted use pesticides are trained, tested and licensed. A record of sale of restricted-use pesticides by dealers and use by certificate and permit holders is required. Other regulatory authorities cover pesticide disposal, pesticide container reuse and safe handling. Use of certain restricted-use pesticides intended for situations where contamination of water is possible requires issuance of a "Special Use Permit".

To assure maintenance of a high level of competency among commercial and private applicators, seminars will be offered on a yearly basis by the State Cooperative Extension Service. Separate seminars will be offered for each commodity group of private applicators and each category for commercial applicators. An official Certificate of Attendance issued during the third or fourth year will be required for each fifth yearly renewal of a permit or certificate of registration. A permit or certificate of registration holder may elect to take and pass an examination each fifth year in lieu of meeting the training requirement for renewal of certification.

Enforcement of the New Hampshire certification program will be carried out by the New Hampshire Department of Agriculture through the Pesticide Control Board's authority. Regulations pertaining to enforcement activities are included.

PUBLIC COMMENTS

Interested persons are invited to submit written comments on the proposed State Plan for the State of New Hampshire to the Chief, Pesticides Branch, Region I, Environmental Protection Agency, Room 2113, JFK Federal Building, Boston, Massachusetts 02203. The comments must be received on or before June 28, 1976 and should bear the identifying notation (OPP–42021). All written comments filed pursuant to this notice will be available for public inspection at the above mentioned locations from 9:00 a.m. to 4:00 p.m., Monday through Friday.

Dated: April 23, 1976.

JOHN A. S. MCGLENNON,
Regional Administrator,
Region I.

[FR Doc.76–15880 Filed 6–1–76;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 806]

COMMON CARRIER SERVICES INFORMATION

Applications Accepted for Filing

MAY 17, 1976.

The applications listed herein have been found, upon initial review, to be acceptable for filing. The Commission reserves the right to return any of these applications, if upon further examination, it is determined they are defective and not in conformance with the Commission's Rules and Regulations or its policies.

Final action will not be taken on any of these applications earlier than 31 days following the date of this notice, except for radio applications not requiring a 30 day notice period (see § 309(c) of the Communications Act), applications filed under Part 68, or as otherwise noted. Unless specified to the contrary, comments or petitions may be filed concerning radio and Section 214 applications on or before July 2, 1976, and on or before June 22, 1976 for Part 68 applications.

In order for an application filed under Part 21 of the Commission's rules (Domestic Public Radio Services) to be considered mutually exclusive with any other such application appearing herein, it must be substantially complete and tendered for filing by whichever date is earlier: (a) the close of business one business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which the subsequent application is in conflict) as having been accepted for filing. In common carrier radio services other than those listed under Part 21, the cut-off date for filing a mutually exclusive application is the close of business one business day preceding the day on which the previously filed application is designated for hearing. With limited exceptions, an application which is subsequently amended by a major change will be considered as a newly filed application for purposes of the cut-off rule. [See §§ 1.227(b)(3) and 21.30(b) of the Commission's rules.]

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

21957–CD–P–11–76, Southwestern Telephone Company (new), C.P. for a new 1-Way Signaling station to operate on 152.84 MHz (Base) to be located at the following sites described as Locations 1 through 11:

Loc. #1: 1423 Small Street, Grand Prairie, Texas; Loc. #2: 760 W. Mockingbird, Dallas, Texas; Loc. #3: 13303 Denton Drive, Farmers Branch, Texas; Loc. #4: 9920 Audelia Road, Dallas, Texas; Loc. # 5: 8120 Elam Road, Dallas, Texas; Loc. #6: 308 S. Akard, Dallas, Texas; Loc. #7: 312 W. Abrams, Arlington, Texas; Loc. #8: 7220 So. Expressway, Edgecliff, Ft. Worth, Texas; Loc. #9: 8228 White Settlement Road, White Settlement, Texas; Loc. #10: 6636 Watauga Road, North Richland Hills, Texas and Loc. #11: 1116 Houston Street, Ft. Worth, Texas.

21944–CD–P–76, Jackson Mobilephone Company, Inc. (KUO633), C.P. to relocate facilities operating on 152.06 MHz to be located at Hwy. 70E—6 miles East of Jackson, Tennessee.

21996–CD–P–(2)–76, R. P. Whitton d.b.a. Vail Communication Company (New), C.P. for a new 1-way station to operate on 152.24 MHz (Loc. #1) to be located 2.5 miles SSE of Vail, and 152.24 MHz at Loc. #2: Hilton Inn, 250 S. Frontage Road, Vail, Colorado.

21997–CD–P–76, General Telephone Company of Pennsylvania (New), C.P. for a new station to operate on 152.75 MHz to be located 0.5 mile North of Pennsylvania Leg. Rte #60023, 2 miles South of Oil City, Pennsylvania.

21999–CD–P–76, Imperial Communications Corporation (KLF644), C.P. to change antenna system operating on 152.24 MHz (Base) and 2120.3 MHz (Control) located at San Miguel Mountain, 13 miles east of San Diego, California.

22000–CD–AL–76, Manpower, Inc. of Cedar Rapids Consent to Assignment of License from Manpower, Inc. of Cedar Rapids, Assignor to JMD, Inc., d.b.a. Manpower Communications, Inc., Assignee. Station: KUS230, Cedar Rapids, Iowa.

22001–CD–TC–76, Valley Telephone Company Consent to Transfer of Control from Loree Austin et al., Transferors to Loree Austin, Transferee. Station: KSW211, Baggs, Wyoming.

22002–CD–TC–76, Harbor Communications, Inc. Consent to Transfer of Control from A. Steve Kircos, Transferor to Rahn J. Farris and A. Steve Kircos, Transferees. Station: KWA673 and KLF591, Benton Harbor, Michigan; KUD204, Port Huron, Michigan.

22003–CD–P–76, Tel-Page Corporation (KGI787), C.P. for additional facilities to operate on 152.24 MHz to be located at a new site described as Loc. #2: Coler House, 60–70 Crittenden Blvd., Rochester, New York.

22004–CD–P–76, Beep Communications Systems, Inc. (New), C.P. for a new 1-way Developmental station to operate on 459.675 MHz to be located North Tower, World Trade Center, New York, New York.

22005–CD–P–76, Glenwood Telephone Membership Corporation (New), C.P. for a new station to operate 454.525 MHz to be located West end of Main Street, City water Tower, Blue Hill, Nebraska.

22006–CD–P–76, Telephone Communications, Inc. (New), C.P. for a new station to operate on 152.06 MHz to be located on Mission Road, 1 mile South of Mt. Pleasant, Michigan.

22007–CD–P–76, Omni Communications, Inc. (KSV954), C.P. to change antenna system operating on 158.70 MHz located at Nobscott Hill, 5 miles North of Framingham, Massachusetts.

22008–CD–P–76, Ram Broadcasting of Texas, Inc. (KKG412), C.P. to change antenna system operating on 152.09 MHz located at Southland Center, Live Oak, Olive Bryan and Pearl Streets, Dallas, Texas.

22009–CD–P–76, Metrotec, Inc. (KTS283), C.P. for additional facilities to operate on 35.22 MHz at a new site described as Loc. #4: 0.2 mile N. of Hahn Road, 0.7 mile W. of S.R. 44, Canton, Ohio.

22010–CD–P–76, Mobile Radio Communications, Inc. (KSV904), C.P. to relocate facilities and change antenna system operating on 158.70 MHz located 100 yards East of 1407 Nashua Road, Liberty, Missouri.

22011–CD–P–76, Mobile Radio Communications, Inc. (KUC882), C.P. for additional facilities to operate on 35.58 MHz at a new site described as Loc. #6: 100 yards East of 1407 Nashua Road, Liberty, Missouri.

22012–CD–P–76, Ranch Radio, Inc. (New), C.P. for a new 1-way station to operate on 152.24 MHz to be located 1000′ South of Junction of Juan Linn and Mahan Road, 1 mile south of Victoria, Texas.

22016–CD–P–76, Pine Mountain Communications, Inc. (New), C.P. for a new 1-way station to operate on 152.24 MHz. to be located at Casper Mountain, Approx. 7.0 Miles South of Casper, Wyoming.

22017–CD–P–(3)–76, Pine Mountain Communications, Inc. (New), C.P. for a new station to operate on 454.125, 454.150 & 454.175 MHz. to be located at Casper Mountain, Approx. 7.0 Miles South of Casper, Wyoming.

Renewal of License expiring July 1, 1976; Term, July 1, 1976 to July 1, 1978; Wilkes Telephone & Electric Company, Georgia, KIM912.

Renewal of Developmental Radio License expiring July 12, 1976; Term, July 12, 1976 to July 12, 1977; South Central Bell Telephone Company, Alabama, KLF514.

CORRECTION

21940–CD–P–76, Comex, Inc. (KCI295), Correct entry previously shown on PN #805, dated May 10, 1976 to read as follows: C.P. for additional facilities to operate on 43.22 MHz. to be located at a new site described as Loc. #8: Hog Hill, near Rt. #121, Atkinson, New Hampshire.

RURAL RADIO

60341–CR–P–76, The Mountain States Telephone and Telegraph Company (New), C.P. for a new rural subscriber station to operate on 157.77 MHz. to be located 5.3 miles East-Southeast of Bitter Creek, Wyoming.

60342–CR–P/L–76, The Mountain States Telephone and Telegraph Company (New), C.P. for a new rural subscriber station to operate on 157.77 MHz. to be located 5.2 miles East-Southeast of Bitter Creek, Wyoming.

POINT TO POINT MICROWAVE RADIO SERVICE

3096–CF–MP–76, The Mountain States Telephone and Telegraph Company (KPS45), Bozeman Jct., 11.5 miles East of Bozeman, Montana. Lat. 45°39′19″ N., Long. 110°48′22″ W. Mod. of C.P. (3257–CF–P–75) to construct a new tower and move antenna for frequencies 11155V MHz toward Livingston, Montana on azimuth 88.2°, and 10955V MHz toward Bozeman Passive Reflector on azimuth 152.7°, and from Passive Reflector toward Bozeman on azimuth 291.9°.

3685–CF–P–76, New England Telephone and Telegraph Company (New), Rockland #2, 2.1 Miles NW of Rockland, Maine. Lat. 44°07′16″ N., Long. 69°08′40″ W. C.P. for a new station on frequencies 11265.0H 11465.0V MHz toward a new station at Union, Maine on azimuth 317.3°.

3686—CF–P–76, Same (New), 3.1 Miles NW of Union, Maine. Lat. 44°14′56″ N., Long. 69° 18′32″ W. C.P. for a new station on frequencies 10855.0V 11055.0H MHz toward a new station at Rockland #2, Maine on azimuth 137.1°, and 10755.0V 10975.0H MHz toward a new station at China, Maine on azimuth 310.6°.

3687–CF–P–76, Same (New), 7.8 Miles SSE of China, Maine. Lat. 44°22′03″ N., Long. 69°30′08″ W. C.P. for a new station on frequencies 11385.0V 11665.0H MHz toward a new station at Union, Maine on azimuth 130.4°, and 11265.0H 11465.0V MHz toward Vassalboro, Maine on azimuth 337.3°.

3688—CF–P–76, Same (KC097), 3 Miles NE of East Vassalboro, Maine. Lat. 44°28′52″ N., Long. 69°34′07″ W. C.P. to add a point of communication on frequencies 10855.0V 11055.0H MHz toward a new station at China, Maine on azimuth 157.3°.

3769–CF–AL–(1)–76, General Telephone Company of Indiana, Inc. (KSI22), Application for Consent to Assignment of Radio Station License from General Telephone Company of Indiana, Inc., Assignor, to United Telephone Company of Indiana, Inc., Assignee, for station KSI22, Columbia City, Indiana.

3776–CF–P–76, American Telephone and Telegraph Company (KAM43), Pumpkin Center, 7.1 miles SW of Hartford, South Dakota. Lat. 43°32′25″ N., Long. 97°01′43″ W. C.P. to add frequencies 3870.0H MHz toward Sioux Falls, South Dakota on azimuth 88.4°, and 4030.0H MHz toward Chester, South Dakota on azimuth 11.8°.

3777–CF–P–76, Same (KBI46) 3.9 miles NNE of Chester, South Dakota. Lat. 43°56′57″ N., Long. 96°54′34″ W. C.P. to add frequencies 4070.0H MHz toward Pumpkin Center, South Dakota on azimuth 199.9°, and 4070.0H MHz toward Arlington, South Dakota on azimuth 350.6°.

3778–CF–P–76, Same (KBI47), 6.2 miles ENE of Arlington, South Dakota. Lat. 44°22′59″ N., Long. 97°00′37″ W. C.P. to add frequencies 4030.0H MHz toward Chester, South Dakota on azimuth 170.6°, and 4030.0H MHz toward Watertown, South Dakota on azimuth 356.9°.

3779–CF–P–76, American Telephone and Telegraph Company (KBI48), 3.2 miles ESE of Watertown, South Dakota. Lat. 44°53′03″ N., Long. 97°02′49″ W. C.P. to add frequency 4070.0H MHz toward Arlington, South Dakota on azimuth 176.9°.

3780–CF–P–76, RCA Alaska Communications, Inc. (WOF48), Put River, 5 miles NNW of Deadhorse, Alaska. Lat. 70°15′34″ N., Long. 148°36′32″ W. C.P. to add and move antennas to add space diversity for frequency 10765.0V MHz toward Deadhorse, Alaska on azimuth 140.9°; move antenna for 2118.2V MHz toward Surfcote Camp, Alaska on azimuth 80.6°.

3781–CF–P–76, Same (KX–Q75), Deadhorse, Alaska. Lat. 70°12′00″ N., Long. 148°28′01″ W. C.P. to change coordinates and add space diversity antenna for frequency 11375.0V MHz toward Put River, Alaska on azimuth 321.1°; modify receive station data for Put River, Frontier Camp, and Franklin Bluff, Alaska.

3782–CF–P–76, Same (WDE71), Frontier Camp, 190 miles ESE of Barrow, Alaska. Lat. 70°19′24″ N., Long. 148°46′06″ W. C.P. to correct azimuth for frequency 2128.0H MHz toward Deadhorse, Alaska to read 140.3°.

3783–CF–PML–76, The Virgin Islands Telephone Corporation (WWT57), 48 Krondpridsens Gade, Charlotte Amalie, Virgin Islands. Lat. 18°20′34″ N., Long. 64°56′23″ W. C.P. and Mod. of License to reinstate expired license on frequencies 5937.8H 5997.1H 6115.7V MHz toward Hawk Hill, Passive Reflector on azimuth 289.3° and from Passive Reflector toward Crown Mtn., Virgin Islands on azimuth 19.7°.

3784–CF–P/ML–76, Same (WWT60), Crown Mtn., St. Thomas, Virgin Islands. Lat. 18°-21′32″ N., Long. 64°58′23″ W. C.P. and Mod. of License to reinstate expired license on frequencies 6189.8H 6249.1H 6367.7V MHz toward Hawk Hill, Passive Reflector on azimuth 199.7°, and from Passive Reflector toward Charlotte Amalie, Virgin Islands on azimuth 109.2°; and 6352.9H 6412.2H 6219.5V MHz toward Christiansted, Virgin Islands on azimuth 157.3°.

3785–CF–P/ML–76, Same (WWY43), 10 King Street, Christiansted, Virgin Islands. Lat. 17°44′50″ N., Long. 64°42′20″ W. C.P. and Mod. of License to reinstate expired license on frequencies 6100.9H 6160.2H 5967.4V MHz toward Crown Mtn., Virgin Islands on azimuth 337.4°.

3791–CF–P–76, New York Telephone Company (WDD41), 101 Willoughby Street, Brooklyn, New York. Lat. 40°41′33″ N., Long. 73°59′07″ W. C.P. to change frequencies 11605H, 11365H, 11525H MHz to 11285V 11525V MHz toward North Staten Island, New York on azimuth 235.3°; increase antenna structure height, replace and move antennas; replace transmitters and increase power output.

3792–CF–P–76, Same (KEA67), North Staten Island, 355 Forest Avenue, Staten Island, New York. Lat. 40°37′52″ N., Long. 74°06′-05″ W. C.P. to change frequencies 11155H 10915H 11075H MHz to 10835V 11075V MHz toward Willoughby, New York on azimuth 55.2°; increase antenna structure height, replace and move antennas; replace transmitters and increase power output.

3796–CF–R–76, The Pacific Telephone and Telegraph Company (KMQ44), Location: Within the territory of the Grantee. Application for Renewal of Radio Station License (Developmental) expiring May 29, 1976. Term: May 29, 1976 to May 29, 1977.

3806–CF–P/ML–76, Cimarron Telephone Company, Inc. (KLU62), Keystone, 4 miles west of Bears Glen Bridge on Hwy. 64, Keystone, Oklahoma. Lat. 36°13′01″ N., Long. 96°19′14″ W.C.P. and Mod. of License to reinstate expired license on frequencies 5937.8H 6056.4H MHz toward Mannford, Oklahoma on azimuth 197.7°.

3786–CF–P–76, Pilot Butte Transmission Co., Inc. (New), 7 miles South of Casper, Wyoming. Lat. 42°44′25″ N., Long. 106°21′44″ W. Construction permit for new station—

5989. 7V MHz toward Cyclone, Wyoming, on azimuth 278 degrees/45 minutes. (Note: Applicant requests waiver of Section 21.701 (1).)

3787–CF–P–76, Pilot Butte Transmission Co., Inc. (New), 54 miles West of Casper, Wyoming. Lat. 42°51'13'' N., Long. 107°24'25'' W. Construction permit for new station — 6241.7V MHz toward South Pass, Wyoming, on azimuth 254 degrees/04 minutes.

3788–CF–P–76, Pilot Butte Transmission Co., Inc. (WBA 791), 31 miles SW of Lander, Wyoming. Lat. 42°32'29'' N., Long. 108°50'34'' W. Construction permit add 5989.7H MHz toward White Mountain, Wyoming, on azimuth 200 degrees/18 minutes.

3789–CF–P–76, Pilot Butte Transmission Co., Inc. (KPK 29), White Mountain, 5.0 miles West of Rock Springs, Wyoming. Lat. 41°34'43'' N., Long. 109°19'06'' W. Construction permit to add 6240.0H MHz toward Medicine Butte, Little America, Rock Springs, and Green River, all in Wyoming, on azimuths 259 degrees/49 minutes, 265 degrees/26 minutes, 80 degrees/00 minute, and 09 degrees/30 minutes, respectively.

3790–CF–P–76, Pilot Butte Transmission Co., Inc. (KPK 28), 6.0 miles NE of Evanston, Wyoming. Lat. 41°21'09'' N., Long. 110°54'26'' W. Construction permit to add 6375.2H MHz toward Kennerer, Wyoming, on azimuth 31 degrees/25 minutes. (Note: Pilot Butte Transmission Co., Inc. requests waiver of Section 21.701(1).)

3794–CF–P–76, Microband United Corporation (New) Atlanta, Georgia. Lat. 33°54'05'' N., Long. 84°15'11'' W. Construction permit for new station—11625.0H MHz toward Peachtree Plaza, Atlanta, Georgia, on azimuth 218.6 degrees.

3797–CF–P–76, Eastern Microwove, Inc. (WQR 72), U.S. Route 30–1.4 miles SE of Hookstown, Pennsylvania. Lat. 33°54'05'' N., Long. 84°15'11'' W. Construction permit to add 10815.0V MHz toward Rochester, Pennsylvania, on azimuth of 45.8 degrees.

MAJOR AMENDMENTS

3657–CF–P–76, Southern Pacific Communications Company (WOF20), Traver, California. Amend to read: frequency 5945.2H instead of 6345.5H MHz towards Fresno, California. (Rest remains the same as reported on Public Notice dated April 26, 1976.)

[FR Doc.76-15839 Filed 6-1-76;8:45 am]

[Report No. 807]

COMMON CARRIER SERVICES INFORMATION

Applications Accepted for Filing

MAY 24, 1976.

The applications listed herein have been found, upon initial review, to be acceptable for filing. The Commission reserves the right to return any of these applications, if upon further examination, it is determined they are defective and not in conformance with the Commission's Rules and Regulations or its policies.

Final action will not be taken on any of these applications earlier than 31 days following the date of this notice, except for radio applications not requiring a 30 day notice period (see § 309(c) of the Communications Act), applications filed under Part 68, or as otherwise noted. Unless specified to the contrary, comments or petitions may be filed concerning radio and section 214 applications on or before July 2, 1976, and on or before June 22, 1976 for Part 68 applications.

In order for an application filed under Part 21 of the Commission's rules (Domestic Public Radio Services) to be considered mutually exclusive with any other such application appearing herein, it must be substantially complete and tendered for filing by whichever date is earlier: (a) the close of business one business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which the subsequent application is in conflict) as having been accepted for filing. In common carrier radio services other than those listed under Part 21, the cut-off date for filing a mutually exclusive application is the close of business one business day preceding the day on which the previously filed application is designated for hearing. With limited exceptions, an application which is subsequently amended by a major change will be considered as a newly filed application for purposes of the cut-off rule. [See § 1.227(b)(3) and 21.30(b) of the Commission's rules.]

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

21998–CD–TC–(2)–76, Ace Commercial Service, Inc. Consent to transfer of Control from H. Latham Laws Transferor to John R. Laws, Transferee. Station: KQZ741 and KUS286, Columbus, Mississippi.

22018–CD–P–76, Tri-Cities Answering Service, Inc. (KEK296), C.P. for additional facilities to operate on 152.24 MHz to be located at a new site described as Loc. #2: Mt. Prospect, 1 mile North of Binghamton, New York.

22019–CD–P–76, South Shore Radio-Telephone, Inc. (New), C.P. for a new station to operate on 158.70 MHz to be located 2505 Martin Luther King Drive, Gary, Indiana.

22020–CD–P–(3)–76, Blacker's Communications Division, Inc. (KWT990), C.P. to replace transmitter operating on 152.12 (Base) and 459.275 (Repeater) located Near French John Hill, 8.5 miles SSW of Marsing, Idaho; relocate and replace transmitter operating on 454.275 MHz (Control) to be located at 5300 Cleveland Blvd., Caldwell, Idaho.

22021–CD–AL–(2)–76, Robert B. and Ferne Swartley d.b.a. Telephone Answering Service. Consent to Assignment of License from Robert B. and Ferne Swartley d.b.a. Telephone Answering Service, Assignor to Swartley Radio Paging, Inc., Assignee. Station: KLF647 and KSV963, Jackson, Michigan.

22022–CD–P–76, Custom Radio, Inc. (New), C.P. for new 1-way station to operate on 152.24 MHz to be located at 212 North Nichols Street, Casper, Wyoming.

22023–CD–P–76, Dial-A-Page, Inc. (KSV987), C.P. to relocate, replace transmitter and change antenna system operating on 152.24 MHz to be located 3 miles Southwest of Mishawaka, Indiana.

22024–CD–P–76, Miami Valley Radiotelephone (KLF577), C.P. to relocate and replace transmitter operating on 35.22 MHz at Loc. #5: 4505 Central Avenue, Middletown, Ohio.

22025–CD–P–76, The Mountain States Telephone and Telegraphs Company (KWU227) Air-Ground C.P. for additional Test facilities to operate on 459.725 to be located 931–14th Street, Denver, Colorado.

22026–CD–P/ML–76, Michigan Bell Telephone Company (KQD605), C.P. for additional Test facilities to operate on 157.77, 157.83, 157.89, 157.92, 158.04 and 158.07 MHz, to be at 142 East State Street, Traverse City, Michigan.

22027–CD–P–76, New York Telephone Company (KED359), C.P. to relocate Test facilities operating on 157.83 157.89 and 158.01 MHz to be located at 1130 Union Avenue, Newburgh, New York.

22028–CD–P–(2)–76, Northwest Colorado Radiophone, Inc. (New), C.P. for a new 1-way station to operate on 158.70 MHz. (Base) Magnetic Mtn. 11 miles North of Meeker (Loc. #1.) and 72.62 MHz (Control): 265–6th Street, Meeker, Colorado (Loc. #2).

22029–CD–P–(6)–76, Northwest Colorado Radiophone, Inc. (New), C.P. for a new station to operate on 454.275 454.325 MHz (Base) 75.50 75.82 (repeater) to be located Magnetic Mtn. 11 miles North of Meeker (Loc. #1), and 72.54 MHz (Control) at Loc. #2, to be located 265–6th Street, Meeker, Colorado.

22030–CD–P–(2)–76, R. P. Whitton d/b/a Vail Communications Company (New), C. P. for a new station to operate on 152.06 & 152.21 MHz to be located 2.5 miles SSE of Vail, Colorado.

22031–CD–P–76, Anserfone of St. Lucie County, Inc. (KIG838), C.P. to change antenna system operating on 454.100 MHz located at 200 South 7th Street, Fort Pierce, Florida.

22032–CD–P–(2)–76, Northwestern Telephone Systems, Inc. (KFL914), C.P. to change antenna system operating on 152.54 & 152.69 MHz located North Main Street, Kalispel, Montana.

22033–CD–P–76, Communications Electronics Center, Inc. (KQZ712), C.P. to change antenna system operating on 152.18 MHz located at Corner Smiley Street & Oak Drive, Colquitt, Georgia.

RURAL RADIO

60346–CR–P–76 RCA Alaska Communications, Inc. (New), C.P. for a new Rural Subscriber station to operate on 157.80 MHz located at Quzinkie, Alaska.

60347–CR–P–76 RCA Alaska Communications, Inc. (New), C.P. for a new Central Office station to operate on 152.54 MHz to be located at Kodiak HF Receiver site Mill Bay Road, Kodiak, Alaska.

POINT TO POINT MICROWAVE RADIO SERVICE

3710–CF–P–76, New Jersey Bell Telephone Company (KEL55), 701 Federal Street, Camden, New Jersey. Lat. 75°07'05'' N. Long. 39°56'39''W. C.P. to add a point of communication on frequencies 11265H 11585V 11265V 11585H MHz toward a new station at Gibbsboro, New Jersey on azimuth 130.9°.

3711–CF–P–76, Same (New), Rt. 561, NW of Lucas Boulevard, Gibbsboro, New Jersey. Lat. 39°50'26''N., Long 74°58'02'' W. C.P. for a new station on frequencies 11055H 10895V 11055V 10895H MHz toward Camden, New Jersey on azimuth 311.0°, and 11055H 10895V 11–55V 10895H MHz toward a new station at Cedar Brook, New Jersey on azimuth 156.9°.

3712–CF–P–76, Same (New), 1.9 Miles NW of Cedar Brook, New Jersey. Lat. 39°44'38'' N., Long. 74°54'44''W. C.P. for a new station on frequencies 11265H 11585V 11265V 11585H MHz toward a new station at Folsom, New Jersey on azimuth 336.9°, and 11265H 11585V 11265V 11585H MHz toward a new station at Gibbsboro, New Jersey on azimuth 163.6°.

3713–CF–P–76, Same (New), Buena Vista Road and Rt. 322, Folsom, New Jersey.

Lat. 39°35'29"N., Long. 74°51'15"W. C.P. for a new station on frequencies 11055H 10895V 11055V 10895H MHz toward a new station at Cedar Brook, New Jersey on azimuth 343.6°, and 11055H 10895V 11055V 10895H MHz toward a new station at Mays Landing, New Jersey on azimuth 132.9°.

3714-CF-P-76, Same (New), Cedar Street, 5 miles east of Rt. 50, Mays Landing, New Jersey. Lat. 39°28'45"N., Long. 74°41'55" W. C.P. for a new station on frequencies 11265H 11585V 11265V 11585H MHz toward a new station at Folsom, New Jersey on azimuth 313.0°, and 11265H 11585V 11265V 11585H MHz toward a new station at Pleasantville, New Jersey on azimuth 122.9°.

3715-CF-P-76, Same (New), 423 Washington Avenue, Pleasantville, New Jersey. Lat. 39°-23'38"N., Long. 74°31'45"W. C.P. for a new station on frequencies 11055H 10895V 11055V 10895H MHz toward a new station at Mays Landing, New Jersey on azimuth 303.0°.

3812-CF-P-76, Churchill County Telephone and Telegraph Company (KPS95), 50 W. Williams Avenue, Fallon, Nevada. Lat. 39°-28'30"N., Long. 118°46'45"W. C.P. to replace transmitters and increase power output for frequencies 6286.2H 6404.8H MHz toward Rattlesnake Passive Reflector and from Passive Reflector toward Southside, Nevada; and on 6256.5V 6375.2V MHz toward Eagle Ridge, Nevada.

3813-CF-P-76, Same (KPS96), Southside, 5.1 miles SSE of Fallon, Nevada. Lat. 39°-24'21"N., Long. 118°43'30"W. C.P. to replace transmitters and increase power output for frequencies 6034.2H 6152.8H MHz toward Rattlesnake Passive Reflector and from Passive Reflector toward Fallon, Nevada.

3814-CF-P-76, RCA Alaska Communications, Inc. (WBP75), Wheeler Creek, 23 miles SW of Juneau, Alaska. Lat. 58°01'58"N., Long 134°48'03"W. C.P. to increase power output for frequencies 5997.1V 6115.7V MHz toward Chicago Passive Reflector and from Passive Reflector toward Angoon, Alaska.

3815-CF-P-76, Same (WBP76), Killisnoo Road, Angoon, Alaska. Lat. 57°30'02"N. Long. 134°34'44"W. C.P. to increase power output for frequencies 6249.1V 6367.7V MHz toward Chicago Passive Reflector and from Passive Reflector toward Wheeler Creek, Alaska.

3816-CF-PML-76, American telephone and Telegraph Company (KQH34), 1.4 miles SW of Clintonville, West Virginia. Lat. 37°52'54"N., Long 80°37'03"W. C.P. and Mod. of License to change frequency 4190.0V to 4030.0V MHz toward Kates Mtn., West Virginia on azimuth 119.9°.

3818-CF-P-76, Same (KLC43), 2 miles NNE of Katy, Texas. Lat. 29°48'46"N., Long. 95°48'35"W. C.P. to add frequency 4150.0V MHz toward Rosenberg, Texas on azimuth 186.7°.

3819-CF-P-76, Same (KZA40), 1.8 miles West of Rosenberg, Texas. Lat. 29°33'15"N., Long. 95°50'51"W. C.P. to add frequency 4110.0V MHz toward Katy, Texas on azimuth 06.7°.

3725-CF-P-76, American Telephone & Telegraph Company (KCE38), East Charlotte, Vermont. Lat. 44°18'46"N., Long 73°11'-10"W. Construction permit to add existing frequency (3750.0V MHz) toward Burlington (Studio of WCAX-TV), Vermont, on azimuths 356.6 degrees and 263.9 degrees, respectively. (Note: Applicant requests STA.).

Corrections

3683-CF-P-76, United Wehco, Inc. (KEV 51), 1.0 mile SW of Trees, Louisiana. Lat. 32°-47'04"N., Long. 94°02'51"W. This entry, appearing on Public Notice of May 3, 1976, corrected to show additional frequency (6093.5H MHz) toward Shreveport, Louisiana, on azimuth 147.2 degrees.

3797-CF-P-76, Eastern Microwave, Inc. (WQR 72), U.S. Route 30—1.4 mile SE of Hookstown, Pennsylvania. Lat. 40°34'37" N., Long. 80°27'24"W. This entry, appearing on Public Notice of May 17, 1976, corrected coordinates to read as above.

Major Amendments

304-CF-P-75, Microwave Transmission Corporation (WPG 27), Blad Ridge, 5.0 Miles NE of Watsonville, California. Lat. 36°58'-00"N., Long. 121°41'31"W. Application amended to change polarity to 10855V MHz and 10935V MHz toward Escrito, California, on azimuth 163 degrees/48 minutes.

3997-CF-P-75, Microwave Transmission Corporation (New), Monterey (TOC), California. Lat. 36°35'03"N., Long. 121°51'09"W. Application amended (a) to add 11385V MHz toward Huckleberry Hill and Seaside, California, on azimuths 271 degrees/08 minutes and 17 degrees/01 minute, respectively.

3406-CF-P-76, American Television & Communications Corp. (New), Poor Mountain, 12.0 miles SSW of Salem, Virginia. Lat. 37°11'37"N., Long. 80°09'25"W. Application amended to change frequency to 6330.7V MHz, to change polarity to 6271.4V MHz, and to change transmitters toward Martinsville, Virginia, on azimuth 155.4 degrees.

3726-CF-P/L-76, American Telephone and Telegraph Company (New), New York 7, 811 Tenth Avenue, New York, New York. Amend application for developmental station to correct path distance toward Green Pond 1, New Jersey to read 48.5 Km, and azimuth to read 304.8°.

[FR Doc.76-15840 Filed 6-1-76;8:45 am]

[FCC 76R-143; Docket No. 11227, File No. BSSA-266; Docket No. 17588, File No. BP-16148; Docket No. 19403, File No. BP-19151]

CITY OF NEW YORK MUNICIPAL BROADCASTING SYSTEM (WNYC) AND MIDWEST RADIO-TELEVISION, INC. (WCCO)

Construction Permits Applications

In re applications of City of New York Municipal Broadcasting System (WNYC), New York, New York; for special service authorization to operate additional hours from 6 a.m. (e.s.t.) to sunrise, New York, New York, and from sunset, Minneapolis, Minnesota, to 10 p.m. (e.s.t.).

By the Review Board: Board Member Kessler not participating. Board Member Ohlbaum dissenting with statement.[1]

1. By Memorandum Opinion and Order, FCC 67-825, 8 FCC 2d 1047 (1967), the Commission designated for hearing on various issues the applications of, inter alia, the City of New York Municipal Broadcasting System (WNYC) for a Special Service Authorization and for a construction permit to increase power, change its transmitter site, directionalize its antenna array, and operate at specified hours during the day and night.[2] The record in this proceeding was closed on November 17, 1975. Currently before the Review Board is a petition to enlarge issues, filed December 29, 1975, by WCCO requesting the addition of the following issues against WNYC:[3] (1) Whether the City of New York Municipal Broadcasting System, licensee of Station WNYC, is financially qualified to construct and operate its proposed 50 kW facility on Staten Island; and (2) Whether WNYC has kept the Commission fully informed of significant and material changes in conditions and circumstances relating to the funding and operation of the proposed 50 kW facility, as required by Section 1.65 of the Commission's Rules.

2. As background information in support of its requested financial issue, petitioner points out that WNYC's application for a construction permit, filed March 16, 1964, which proposed an increase in authorized power from 1 kW to 50 kW and a relocation of its present transmitter site in Brooklyn to a 50-acre portion of the Seaview Hospital tract on Staten Island, New York, projected that construction costs for the new transmitter project would be $322,-600. WCCO further notes that construction of the WNYC facility was to be financed by $415,000 of "Existing Capital" to be obtained through an appropriation of the City Planning Commission of the City of New York.[4] On August 9, 1971, continues petitioner, WNYC filed an amendment listing total available funds of $468,016 consisting of $408,016 "Existing Capital" and $60,000 from an existing "Expense Budget" and also represented that since the present estimate for the 50 kW project was higher than the estimate given at the time the application was filed,[5] they were applying to the City Planning Commission of the City of New York for an additional appropriation of capital funds in order to assure the completion of this project.

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[1] Filed as part of the original document.

[2] Midwest Radio-Television, Inc. (WCCO) was made a party with respect to the WNYC construction permit application in the designation Order.

[3] Also before the Board are the following related pleadings: (a) opposition, filed February 6, 1976, by WNYC; (b) comments, filed February 6, 1976, by the Broadcast Bureau; (c) reply, filed March 4, 1976, by WCCO; (d) petition for leave to submit an amended construction permit application and supplemental affidavit, filed March 22, 1976, by WNYC; (e) petition to supplement petition to enlarge issues, filed April 15, 1976, by WCCO; and (f) petition to supplement opposition, filed May 10, 1976, by WNYC. The petition to supplement petition to enlarge issues and the petition to supplement opposition, which are unopposed and contain relevant information, are granted.

[4] Exhibit C to WNYC's 1964 application (which is attached as Exhibit 2 to WCCO's petition) states that: "The City Planning Commission has approved the appropriation of $415,000 to be included in the 1964-1965 Capital Budget for the City of New York" and that "The Board of Estimates of the City of New York is expected to provide the necessary funds as a result of the City Planning Commission Report."

[5] The August 9, 1971 amendment was accepted by Order of the Presiding Judge, FCC 72M-241, released February 24, 1972. In the amendment WNYC estimates its total construction costs at $600,139 and its estimated cost of operation for the first year at $60,000 for a total first year cost of $669,139.

3. According to WCCO, subsequent developments reveal that projected costs for the 50 kW project have escalated, but that WNYC's "expectation of additional funds was faulty." Referring to the 1975–76 New York City Capital Budget (attached to its petition as Exhibit 5), WCCO states that the sum of $1,150,000 is now listed as the amount "required to complete" the WNYC 50 kW transmitter project but that "sums available" for the project are listed at only $23,016. Moreover, alleges WCCO, WNYC will incur substantial expense in the course of condemning its proposed 50 kW site,[6] which real estate experts valued as worth over $2,000,000 in 1969, and WNYC will face further expense in leveling and preparing its site for use. Since the licensee of WNYC also filed, on June 12, 1975, an application for a construction permit to relocate its FM transmitter from the Empire State Building to the World Trade Center (BPH–9522), WCCO argues that the estimated costs of that move ($20,000)[7] will also have an impact on WNYC. On the basis of these alleged additional expenses to be anticipated by WNYC, petitioner computes the total costs to be met by WNYC at $3,170,000. Petitioner adds that WNYC's existing operating budget has already been cut by at least $300,000,[8] and "more cuts are likely."

4. Compounding WNYC's problems, asserts WCCO, are the current financial difficulties of the City of New York.[9] In particular, WCCO contends that several important restrictions have been placed upon the availability of funds for new City projects. First, WCCO adverts to the New York State Legislature's enactment of the New York State Financial Emergency Control Act for the City of New York, signed by the Governor on September 9, 1975, under which the State assumed control of the City's fiscal affairs and established a seven-man "Emergency Financial Control Board" (EFCB) empowered "to review, control and supervise the financial management of the City." Under this Act, alleges WCCO, the State Comptroller, is authorized to appoint a Special Deputy State Comptroller for New York City who will act as chief operating officer of the EFCB and "assume most of the budgetary functions of the Mayor and City Budget Director." Moreover, WCCO states that the City's three-year Financial Plan, approved by the EFCB on October 21, 1975, supersedes all prior commitments for the fiscal year 1975–76, including capital budget items. The three-year plan, stresses WCCO, did not provide an increase in available funds for the 50 kW project. Second, WCCO calls attention to Executive Order No. 42, signed into law by Mayor Beame on October 9, 1975, a copy of which is submitted with its petition. Section 1(a) of that Order, avers WCCO, prohibits the execution of any construction contract (in excess of $100,000) or the commitment of any funds thereto unless the Mayor has first approved the contract after reviewing a detailed analysis of the project, and Section 2 requires each agency head to review all contracts or commitments (in excess of $100,000) within his jurisdiction and to submit to the Mayor "a list of those contracts or commitments which would be legally and financially practicable to defer or cancel without impairing the health or safety of the people of New York. . . ." Although it is WCCO's position that the financial state of New York City alone requires an examination of the City's financial qualifications to construct and operate the new 50 kW facility, in WCCO's opinion, more serious questions are raised as to whether WNYC could proceed with the timely construction of its facility by the enactment of the New York State financial Emergency Control Act of 1975 and the Mayor's Executive Order No. 42. WCCO further contends that it is also unclear whether WNYC will have sufficient operating funds to enable it to fulfill the staffing and programming proposals contained in its 50 kW application. Finally, WCCO submits that a § 1.65 issue[10] is also warranted because WNYC never reported to the Commission, subsequent to its 1971 amendment, its estimated increase in construction costs and the reduction in available funds or the current financial situation of the City and its impact upon WNYC's ability to proceed with its proposal.

5. WNYC, in its opposition, initially objects to the untimeliness of WCCO's petition. Substantively, WNYC disputes WCCO's $3,170,000 estimate for the cost of constructing the 50 kW facility, acquiring and preparing the site, and transferring the WNYC(FM) transmitter to the World Trade Center. Rather, relying on its most recent cost estimate, made in December 1975 as part of an application for an HEW Educational Broadcasting Facilities grant,[11] WNYC contends that an estimate of $900,000 is sufficient to meet the cost of construction, including site preparation. For purposes of clarification, WNYC explains that the sum of $1,150,000 given as the cost to complete construction of the transmitter in the 1975–76 New York City Capital Budget was "used for internal budgetary purposes only and was established at a sufficiently high level to cover unexpected contingencies and inflation." [12] Under City budgetary procedure, continues WNYC, it would be required to establish the actual cost of constructing the facility, based upon current cost estimates, at the time certification to spend funds is sought from the Mayor. Turning to specific cost estimates, WNYC maintains that the inclusion of site acquisition as a probable cost is unwarranted because, although the proposed site is now leased, there is no reason to believe that transfer of the property to WNYC will be other than voluntary; [13] and, even if condemnation were to prove necessary, WNYC argues that the cost of recovering the site would be far less than the $2,000,000 figure presented by WCCO.[14] The $20,000 cost to be met by WNYC(FM) upon transfer of its facility to the World Trade Center, adds WNYC, is an Expense Budget item and is totally unrelated to the construction costs of the 50 kW facility. Conceding that there has been a $300,000 reduction in its Expense Budget allocation from the previous fiscal year, WNYC nevertheless argues, referring to the affidavit of its Director, Mr. Labaton, that the proposed budget allocation, together with appropriations from the Corporation for Public Broadcasting, will be sufficient to enable WNYC to continue its

[6] In Exhibit 7 to its August 9, 1971 amendment, WNYC represented that its site was "city owned." However, in view of the agreements by which the City leased portions of the proposed site to the Jewish Community Center and the New York City Health and Hospital Corporation, the Review Board determined, by Memorandum Opinion and Order, 41 FCC 2d 717, 27 RR 2d 1616 (1973), stay denied 28 RR 2d 136, review denied FCC 73–997, released September 26, 1973, that site availability and 1.65 issues were required.

[7] WCCO states that while the WNYC(FM) application shows construction and first year operating costs of $183,000, the application claims that all but $20,000 will be financed by entities other than the licensee.

[8] WCCO notes that WNYC's July 7, 1975 opposition to a petition to deny filed by the Network Project indicates that WNCY expects to receive approximately $300,000 less for its operations in fiscal year 1975–76 than it received during the preceding year.

[9] Petitioner cites a September 5, 1975 message of Governor Hugh Carey to an Extraordinary Session of the New York State Legislature in which the Governor stated that "[t]he City of New York is on the brink of financial collapse . . ." and also refers to the curtailment of municipal services within the City and the dismissal of some 40,000 City employees.

[10] Section 1.65 of the Commission's rules provides that each applicant is responsible for the continuing accuracy and completeness of information furnished in a pending application and that when the information furnished in the application is no longer substantially accurate, the applicant shall file an amendment within thirty days.

[11] In its opposition, WNYC states that when the $900,000 cost estimate has been verified, an amendment will be filed. On March 22, 1976, WNYC filed a petition for leave to submit an amended construction permit application and supplemental affidavit with the Review Board and with the Presiding Judge. We note that prior to issuance of the Initial Decision, petitions for leave to amend are within the jurisdiction of the Presiding Judge. See § 1.243 of the Commission's rules. Consequently, the Board will dismiss WNYC's petition.

[12] In support, WNYC submits the February 5, 1976 affidavit of Arnold Labaton, Director of the Municipal Broadcasting System since March 1974.

[13] WNYC refers to the record testimony of Ira Duchan, the City's Commissioner of Real Estate.

[14] According to WNYC, the $2,000,000 figure, quoted by WOCO, stems from a planning study by a private firm of architects which was commissioned for, but never adopted by, the City Planning Commission. Additionally, claims WNYC, the land, rather than the leaseholds, was valued at $2,000,000, but since the City already owns the land, it would only have to condemn the leaseholds.

quality programming.[15] In this connection, WNYC notes that the Commission previously determined that allegations regarding the reduction in the Expense Budget were not sufficient to support a finding of lack of financial qualifications on the part of MBS, citing City of New York Municipal Broadcasting System, FCC 75–1197, 56FCC 2d 169, 35 RR 2d 449 (1975).

6. In explanation of the current Capital Budget appropriation for the 50 kW project (WNYC notes that the total appropriation for the project is $154,217.84 and the amount available from prior Mayoral certifications is $23,016.10),[16] WNYC states that in 1971, the then Director of the Municipal Broadcasting System, Sheldon Hoffman, approached the City Planning Commission for an increased appropriation for the transmitter but was informed that "City fiscal policy was wherever possible not to encuber the Capital Budget with appropriations that have no chance of being spent in the coming fiscal year."[17] Therefore, asserts WNYC, the FY 1972–73 level of appropriation, as well as the amount of available funds, has been carried over through the present fiscal year. In support, WNYC supplies the February 4, 1976 affidavit of John J. Lanigan, First Deputy Director in the Office of Management and Budget of the City of New York. Mr. Lanigan points out that both the Capital Budget for FY 1975–76 and the Executive Capital Budget for FY 1976–77 continue the appropriation for the transmitter project at $154,217.84, and that the Capital Budget for FY 1975–76 shows an unencumbered balance of $23,016.10. These facts, avers Mr. Lanigan, reveal "that the project is considered to have on-going status but that it is not foreseen that capital funds beyond the unexpected balance of the sum previously authorized will be expended in FY 1975–76 or FY 1976–77," although the Capital Budget could be amended to increase the appropriation. WNYC indicates that in its December 1975 application to HEW (see para. 5, supra), it requested a grant in the amount of $473,250; however, until such time as the application is granted, WYNC avers that it is continuing to look to the Capital Budget appropriation to finance its 50 kW facility. This appropriation, notes WNYC, can be adjusted upward either by amendment of an existing Capital Budget or by an increased appropriation in a subsequent Capital Budget.

7. With regard to the financial situation of New York City, WNYC contends that petitioner has not demonstrated that the City's financial difficulties have adversely affected WNYC to the point where it can no longer construct or operate the 50 kW facility. WNYC maintains that the EFCB, the City's three-year Financial Plan, and the Mayor's Executive Order No. 42 do not divest the City of its budgetary functions but merely add a layer of checks and balances to the City's budgetary system. Thus, while the EFCB has the power to disapprove contracts entered into by the City, claims WNYC, it may exercise this power only upon a determination that the contract would be inconsistent with the Financial Plan. Furthermore, WNYC explains that the Financial Plan, mandated by the legislation establishing the EFCB, only acts as a restraint on City expenditures for FY 1975–76 through FY 1977–78. Although there is no provision for the 50 kW facility in the Financial Plan (which extends through FY 1977–78), asserts WNYC, the Plan can be amended to provide for the facility in the event WNYC's applications were granted prior to FY 1977–78. In support of this assertion, WNYC refers to the February 4, 1976 affidavit of John J. Lanigan. According to Mr. Lanigan, while there are presently no cash expenditures included for the WNYC 50 kW transmitter project in the Financial Plan, indicating that the City does not expect to expend any capital funds through June 30, 1978, the Plan could be amended to include such expenditures "so long as the total amount of City capital funds to be expended remains within the limits set by the Financial Plan." In any event, WNYC estimates that, because of probable appeals, the City will not be in a position to let contracts for the facility for at least two years from the date of the initial decision. Since no initial decision has yet been issued,[18] WNYC suggests that any expenditure will not occur until FY 1978–79. The Mayor's Executive Order No. 42, adds WNYC, establishes another level of central fiscal control prior to execution of a contract by an agency, but such certification would not be sought until such time as an obligation exists.

8. In light of the financial picture described above, WNYC contends that it was not required to amend its application pursuant to Rule 1.65. WNYC argues that its application sets forth the precise method of financing proposed, i.e., construction costs are to be paid out of Capital Budget appropriations and the costs of the first year of operation are to be paid out of Expense Budget appropriations.[19] Additionally, WNYC submits that although its most recent estimate shows an increase in the cost of construction from approximately $600,000 to $900,000, an issue is not warranted on this basis because Mr. Labaton has indicated that he will file an amendment as soon as the $900,000 estimate is verified. Nor was the City obliged to inform the Commission of the creation of the EFCB and the position of Special State Deputy Comptroller, contends WNYC, since the legislation establishing the EFCB states that decisions as to how funds are to be spent rests with the elected City officials. WNYC further argues that the Deputy State Comptroller only acts as a liaison with the EFCB but does not assume the budgetary functions of the Mayor or the Budget Director.

9. In its comments, the Broadcast Bureau supports the addition of a financial issue, predicated chiefly on the fact that WNYC's application, as amended in 1971, shows total first year expenses of $669,139, but available funds of only $468,016. While WNYC indicated, in Exhibit 2 of the 1971 amendment, that it was applying to the City Planning Commission for additional funds, the Bureau points out that WNYC does not state the precise amount of additional funds applied for or provide any information showing that it has reasonable assurance that such funds will be made available. The City's 1975–76 Budget, continues the Bureau, raises further questions regarding the applicant's financing since it reflects that WNYC's expenses have increased to $1,150,000. Finally, the Bureau maintains that a question exists as to whether WNYC will be able to construct its proposed facility in light of the enactment of Executive Order No. 42 requiring approval of the contract by the Mayor.

10. WCCO's petition, which was filed six weeks after the record in this lengthy

[15] Mr. Labaton indicates that in the present fiscal year, the Municipal Broadcasting System (MBS) Expense Budget allocation is approximately $2.1 million and that the MBS has received a $400,000 grant from the Corporation for Public Broadcasting in addition to miscellaneous grants. Mr. Labaton adds that WNYC has also applied to the Corporation for Public Broadcasting for a radio major market expansion grant in the amount of $775,000 in order to finance further improvements in its radio programming.

[16] In his affidavit, Mr. Labaton states that the present sum of $23,016.10 will be sufficient to meet the incidental expenses of prosecuting this application.

[17] WNYC attaches the supporting affidavit of Sheldon Hoffman dated February 5, 1976. Mr. Labaton, in his February 5, 1976 affidavit, remarks that he initiates the MBS annual Capital Budget request for presentation to the City Planning Commission; that the Commission has inquired each year whether it is anticipated that the WNYC 50 kW facility would be built in the following fiscal year; that in each instance he has responded that it was not anticipated that the final legal resolution necessary to commence construction would be forthcoming in the following fiscal year; and that he has therefore not sought to increase the $154,217.84 presently appropriated for the change in facilities.

[18] By Order, FCC 76M–429, released April 7, 1976, the Presiding Judge extended the date for filing proposed findings and briefs in this proceeding to May 3, 1976, and the date for filing replies to May 24, 1976.

[19] The February 5, 1976 affidavit of Mr. Hoffman states that the construction permit application was not amended to reflect the reduction in the Capital Budget allocation (to $23,016.10 in sums available) because he "regarded the reduction as essentially a bookkeeping device which did not constitute a significant change * * * in view of the fact that the Capital Budget appropriation for the project could be increased at the time when the funds could actually be expended. * * *" Mr. Labaton states, in his affidavit, that he has not sought to increase the appropriation of $154,217.84 for the WNYC facility or the amount listed as funds available, nor amended the CP application to reflect the fact that the appropriation is less than that needed to complete construction, because he intends to seek a sufficient Capital Budget appropriation at such time as the City is in a position to proceed with construction.

proceeding was closed, is late, and good cause for the delay has not been demonstrated; nevertheless, although the Board is reluctant to prolong this already protracted proceeding, we believe that the petition raises serious public interest questions concerning an applicant's statutory qualifications which require consideration of its merits.[20] See Athens Broadcasting, Inc., 27 FCC 2d 7, 20 RR 2d 1115 (Rev. Bd. 1971); The Edgefield-Caluda Radio Co. (WJES), 5 FCC 2d 148, 8 RR 2d 611 (Rev. Bd. 1966). It is established Commission policy to require only a reasonable, rather than a stringent showing, of financial qualifications for non-commercial stations. See Los Angeles Unified School District, 30 FCC 2d 547, 22 RR 2d 163 (Rev. Bd. 1971), review denied FCC 71-1076, released October 14, 1971; NTA Television Broadcasting Corp., FCC 61-1281, 22 RR 273 (1961). However, we are unable to find any reasonable assurance that WNYC will have the financial capability to proceed with the construction of its proposed facility. The pleadings presented by both parties reveal that there have been numerous and significant changes in WNYC's financial position. WNYC's estimated costs of construction and first year operation have increased from $669,139 in 1971 to an apparent $1,050,450[21] in 1975.[22] Yet, the amount WNYC lists as "sums available" has precipitously declined from $468,016 in 1971 to $23,016.10 in 1975. Although there is also an appropriation of $154,217.84, carried over from previous budgets, in the City's 1975-76 Capital Budget, WNYC has not demonstrated that the appropriation would be readily available. And, even assuming that the $154,217.84 were available to WNYC, its total funds are still far less than the amount required for the proposed facility, according to its own recent estimate. Additionally, WNYC's assertion that the present appropriation can be adjusted upward by amendment is not substantiated in any way by affidavits from those who have ultimate control over the City's budgetary processes. While we recognize that it may be difficult for a City to advance municipal funds for a proposal that may not come to fruition during a current budgetary period, we still must have some form of assurance that the required funds will be made available, and WNYC has presented no such showing. To the extent that WNYC proposes to rely on a grant of $473,250 from HEW, there is no indication of any kind that the grant will actually be forthcoming.[23] Moreover, the present financial state of New York City raises questions as to the City's willingness to allocate further funds for the 50kW facility, particularly in light of Mayor Beame's proposal that WNYC be transferred or reorganized as a public benefit corporation eligible to receive donations. Under these circumstances, an appropriate financial issue will be added so that evidence may be adduced as to the probable availability of such funds. See Redding-Chico Television, Inc., FCC 63R-5, 24 RR 898 (Rev. Bd. 1963); Flower City Television Corporation, FCC 62-621, 23 RR 819 (1962).

11. As for the requested Rule 1.65 issue, it is the Board's opinion that WNYC should have reported the changes in its first year expenses and revenue sources to the Commission;[24] however, there has been no showing of any intent or motive to conceal on the part of WNYC. For this reason, a disqualifying issue is not warranted, and since this is a non-comparative proceeding, a comparative issue would not be appropriate. We therefore agree with the Bureau that the requested issue must be denied.

12. Accordingly, *it is ordered*, That the petition for leave to submit an amended construction permit application and supplemental affidavit, filed March 22, 1976, by the City of New York Municipal Broadcasting System, is dismissed; and

13. *It is further ordered*, That the petition to enlarge issues, filed December 29, 1975, by Midwest Radio-Television, Inc. is granted to the extent indicated herein, and is denied in all other respects and that the record herein is reopened for the purpose of hearing evidence on the following issue: To determine whether the City of New York Municipal Broadcasting System has available sufficient funds to construct and operate the proposed 50 kW facility for a period of one year.

14. *It is further ordered*, That the burden of proceeding with the introduction of evidence and the burden of proof under the foregoing issue shall be on the City of New York Municipal Broadcasting System.

Adopted: May 18, 1976.

Released: May 27, 1976.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.76-15942 Filed 6-1-76;8:45 am]

[20] Petitioner has not requested a reopening of the record; however, since the record is closed, such a request is inherent in its petition for enlargement of issues.

[21] In its petition for leave to submit an amended construction permit application, filed March 22, 1976 (see n. 10, *supra*), WNYC lists its total first year costs at $1,050,450, and petitioner has supplied no adequate basis for not accepting this estimate.

[22] We note that WCCO has not supported its allegations that WNYC will incur expenses of over $2,000,000 in condemning its proposed site and additional expenses in preparing the site for use. Nor has WCCO shown that the relocation of the FM transmitter from the Empire State Building to the World Trade Center would affect construction of the 50 kW facility. See section 1.229(c) of the Commission's Rules.

[23] Even if it is assumed that all of the funds requested from HEW will be available (as assumed by the Commission in its designation Order in Alabama Citizens for Responsible Public Television, Inc., FCC 76-369, released May 4, 1976), the amount which would be obtained by WNYC from that source would be less than the amount required to construct its proposed facility. As noted above, however, at least until such time as its application is granted, WNYC is relying on its Capital Budget appropriation to finance its 50 kW facility, and not upon an HEW grant.

[24] We do not believe that WNYC was required to report the fiscal crisis of the City of New York since petitioner has failed to show the nexus between the City's difficulties and WNYC's ability to proceed with the construction of its proposed facility.

FEDERAL DEPOSIT INSURANCE CORPORATION

FARMERS BANK OF THE STATE OF DELAWARE

Suspension of Trading

It appearing to the Federal Deposit Insurance Corporation that an extension of the suspension of trading in the common stock of Farmers Bank of the State of Delaware, Dover, Delaware being traded otherwise than on a national securities exchange, ordered by the Federal Deposit Insurance Corporation on March 8, 1976, is required in the public interest and for the protection of investors;

Therefore, pursuant to sections 12(i) and 12(k) of the Securities Exchange Act of 1934, the suspension of trading in such securities otherwise than on a national securities exchange is extended for the period beginning at 9:00 a.m. (d.s.t.) on May 27, 1976 through June 5, 1976.

* * * * *

By order of the Board of Directors, May 26, 1976.

FEDERAL DEPOSIT INSURANCE CORPORATION,
[SEAL] ALAN R. MILLER,
Executive Secretary.

[FR Doc.76-15980 Filed 6-1-76;8:45 am]

FEDERAL ENERGY ADMINISTRATION

CASES FILED WITH OFFICE OF EXCEPTIONS AND APPEALS

Week of May 14 Through May 21, 1976

Notice is hereby given that during the week of May 14 through May 21, 1976 the appeals and applications for exception or other relief listed in the Appendix to this notice were filed with the Federal Energy Administration's Office of Exceptions and Appeals.

Under the FEA's procedural regulations, 10 CFR Part 205, any person who will be aggrieved by the FEA action sought in such cases may file with the FEA written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of those regulations, the date of service of notice shall be deemed to be June 2, 1976 or the date of receipt by an aggrieved person of actual notice, whichever occurs first.

Dated: May 26, 1976.

DAVID G. WILSON,
Acting General Counsel.

APPENDIX.—*List of cases received by the Office of Exceptions and Appeals—May 14–21, 1976*

Date	Name and location of applicant	Case No.	Type of submission
May 14, 1976	K.L.M. Oil Co., Long Beach, Calif. (If granted: Crude oil produced from the McGrath lease on Seal Beach Field would be sold at upper-tier ceiling prices.)	FEE-2479	Price exception (sec. 212.-74).
Do	Michigan Milk Producers Association, Washington, D.C. (If granted: FEA's Apr. 12, 1976, order would be rescinded and deliveries of Canadian crude oil to Consumers Power Co.'s synthetic natural gas plant at Marysville, Mich., would be increased.)	FEA-0837	Appeal of FEA's Apr. 12, 1976, order.
Do	Pontiac Stadium Authority, Pontiac, Mich. (If granted: Pontiac Stadium Authority would receive an increase in its base-period use of propane.)	FEE-2481	Allocation exception.
Do	State of Hawaii, Honolulu, Hawaii. (If granted: Resellers of liquid fuel in the State of Hawaii would be permitted to increase their selling prices to reflect an increase in the State license tax.)	FEE-2480	Price exception (sec. 212.-93).
Do	Upjohn Co., Washington, D.C. (If granted: FEA's Apr. 12, 1976 order would be rescinded and deliveries of Canadian crude oil to Consumers Power Co.'s synthetic natural gas plant at Marysville, Mich., would be increased.)	FEA-0836	Appeal of FEA's Apr. 12, 1976, order.
Do	Whaleco Fuel Corp., Brooklyn, N.Y. (If granted: Whaleco would receive entitlements for residual fuel oil purchased from Asiatic Petroleum Corp., the importer of record.)	FPI-0098	Exception to the base fee requirements.
May 17, 1976	Beacon Oil Co., Hanford, Calif. (If granted: FEA's Mar. 31, 1976, decision and order would be rescinded and Beacon Oil Co. would receive additional retroactive exception relief from the provisions of 10 CFR 212.83.)	FEA-0839	Appeal of FEA's exception decision and order. Beacon Oil Co., 3 FEA par. 83,140 (Mar. 31, 1976).
Do	Energy Magazine, Stamford, Conn. (If granted: FEA's Apr. 19, 1976, information request denial would be rescinded and Energy Magazine would receive copies of mailing lists maintained by the FEA.)	FEA-0838	Appeal of FEA's information request denial.
Do	Husky Oil Co., Denver, Colo. (If granted: Husky Oil Co. would receive an exception permitting the firm to reallocate gasoline among its various retail outlets.)	FEE-2485	Allocation exception (sec. 211.106).
Do	Lynnhaven Water Way Marina, Inc., Virginia Beach, Va. (If granted: Lynnhaven Water Way Marina, Inc., would be assigned a new supplier of regular gasoline.)	FEE-2483	Exception to change suppliers.
Do	Pike's Car Wash, Philadelphia, Pa. (If granted: Pike's Car Wash would be assigned a new supplier of motor gasoline to replace its base-period supplier, Getty Oil Co.)	FEE-2484	Exception to change suppliers.
Do	Superior Oil Co. (Cymric), Houston, Tex. (If granted: Superior Oil Co. would receive an extension of the price relief granted in FEA's Feb. 27, 1976, decision and order.)	FEE-2489	Extension of exception relief Superior Oil Co., 3 FEA par. 83,118 (Feb. 27, 1976).
Do	Superior Oil Co. (Elk City), Houston, Tex. (If granted: Superior Oil Co. would receive an extension of the price relief granted in FEA's Feb. 27, 1976, decision and order.)	FEE-2490	Do.
Do	Superior Oil Co. (Kettleman), Houston, Tex. (If granted: Superior Oil Co. would receive an extension of the price relief granted in FEA's Feb. 27, 1976, decision and order.)	FEE-2491	Do.
Do	Superior Oil Co. (Levelland), Houston, Tex. (If granted: Superior Oil Co. would receive an extension of the price relief granted in FEA's Feb. 27, 1976, decision and order.)	FEE-2492	Do.
Do	Superior Oil Co. (Portilla), Houston, Tex. (If granted: Superior Oil Co. would receive an extension of the price relief granted in FEA's Feb. 27, 1976, decision and order.)	FEE-2493	Do.
Do	Texas Eastman Co., Longview, Tex. (If granted: Texas Eastman Co. would receive an extension of import license Nos. 23-005099 and 23-005100.)	FPI-0098	Exception to the base fee requirements.
May 18, 1976	Atlantic Richfield Co. (Price), Dallas, Tex. (If granted: FEA's Apr. 16, 1976, decision and order would be modified and Atlantic Richfield Co. would be permitted to increase its prices for natural gas liquid products at its Price plant to reflect nonproduct cost increases in excess of $0.005 per gallon.)	FEA-0840	Appeal of FEA's exception decision and order. Atlantic Richfield Co., 3 FEA par. 83,167 (Apr. 16, 1976).
Do	BP Oil, Inc., Cleveland, Ohio. (If granted: BP Oil would receive an exception from the provisions of 10 CFR 212.31 and 212.82 with respect to its prices for unleaded gasoline.)	FEE-2487	Price exception (sec. 212.-112).
Do	Louisiana Land & Exploration Co., New Orleans, La. (If granted: FEA's Feb. 26, 1976, decision and order would be modified to permit Louisiana Land & Exploration Co. to retain additional crude oil produced from the Jay-Little Escambia Creek Field.)	FMR-0052	Modification of FEA's decision and order. Louisiana Land & Exploration Co., 3 FEA par. 80,586 (Feb. 26, 1976).
Do	Midcoast Aviation Services, Inc., St. Louis, Mo. (If granted: Midcoast Aviation Services, Inc., would receive an extension of the price relief granted in FEA's Jan. 19, 1976, decision and order.)	FEE-2486	Extension of FEA's exception relief. Midcoast Aviation Services, Inc., 3 FEA par. 80,556 (Jan. 19, 1976).
Do	Richard S. Anderson, Inc., Midland, Tex. (If granted: Crude oil produced from the Post Montgomery "C" lease during the period October 1974 through December 1975 and from the Post Montgomery "E" lease during the period June through December 1975 would be sold at upper tier ceiling prices.)	FEE-2488	Price exception (sec. 212.-74).
Do	Wagner Gas & Electric, Gillett, Wis. (If granted: Wagner Gas & Electric would receive an extension of the supplier assignment granted in FEA's Mar. 17, 1976, decision and order.)	FEE-2494	Extension of exception relief. Wagner Gas & Electric, 3 FEA par. 83,135 (Mar. 17, 1976).
Do	Western Jobbers Association, San Francisco, Calif. (If granted: FEA's Aug. 29, 1975, decision and order granting Tosco exception relief with respect to the prices it is permitted to charge to certain former customers of the Phillips Petroleum Co. would be rescinded.)	FMR-0053	Modification of FEA's decision and order. The Oil Shale Corp., 2 FEA par. 80,673 (Aug. 29, 1975).

Date	Name and location of applicant	Case No.	Type of submission
May 20, 1976...	Chemplex Co., Rolling Meadows, Ill. (If granted: Chemplex Co. would be assigned a new supplier to replace Skelly Oil Co. or would be permitted to purchase C_3H_8 from Skelly Oil Co.)	FEE-2495	Exception to change suppliers.
Do.....	General American Oil Co. of Texas, Dallas, Tex. (If granted: Crude oil produced from the S-1 unit and the R-1 unit would be sold at upper tier ceiling prices.)	FEE-2496	Price exception (sec. 212.-74).
May 21, 1976...	Small refiners granted exception relief from entitlement purchase obligations. (If granted: Certain small refiners which received exception relief from their entitlement purchase obligations would be required to purchase additional entitlements equal in dollar value to the amount by which their 1975 profitability exceeded their historical rates of profitability and certain small refiners which were granted partial exception relief from their entitlement purchase obligations would be issued additional entitlements equal to the lesser of (a) the dollar value of the exception relief which they requested but did not receive or (b) the difference between their 1975 profitability and their historical rates of profitability.)	FEX-0043	Review of entitlements exception relief granted to small refiners under the Delta Refining Co. Criteria.

[FR Doc.76-15884 Filed 5-27-76;10:06 am]

ISSUANCE OF DECISIONS AND ORDERS BY THE OFFICE OF EXCEPTIONS AND APPEALS

Week of April 26 Through April 30, 1976

Notice is hereby given that during the week of April 26 through April 30, 1976, the Decisions and Orders summarized below were issued with respect to Appeals and Applications for Exception or other relief filed with the Office of Exceptions and Appeals of the Federal Energy Administration. The following summary also contains a list of submissions which were dismissed by the Office of Exceptions and Appeals and the basis for the dismissal.

APPEALS

Apex Oil Company, St. Louis, Missouri, FPI-0093, Motor Gasoline, No. 2 Fuel Oil.

The Apex Oil Company (Apex) appealed from a Decision and Order which denied an Application for Exception which the firm had submitted from the FEA Mandatory Oil Import Program as set forth in 10 CFR 213.35(c). Apex Oil Company, 3 FEA Par. 83,121 (March 8, 1976). Apex's Appeal, if granted, would result in the issuance of an Order by the FEA vacating the Order denying exception relief and permitting Apex to import on a fee-exempt basis 1,309,521 barrels of motor gasoline and 1,314,000 barrels of No. 2 fuel oil during the current allocation period. In considering Apex's Appeal, the FEA noted that Apex's petition consisted solely of a general unsubstantiated allegation that the Order erred because it was inconsistent with previous precedents established by the Oil Import Appeals Board. The FEA pointed out that the same type of allegation had been discussed and rejected in previous cases and that Apex had failed to advance any new arguments in the matter or to challenge any of the specific findings in the March 8 Order. The FEA therefore concluded that Apex had failed to demonstrate that the initial Order issued in this proceeding was erroneous in fact or law. The Appeal was therefore denied.

Consumers Power Company, et al., Jackson, Michigan, FEA-0706/0734-39, FEA-0743/0748, Propane, Butane and/or Natural Gasoline.

Consumers Power Company (Consumers), the Michigan Public Service Commission (the MPSC), the Petrochemical Energy Group (PEG) and six firms who purchase gas from Consumers filed appeals from a Decision and Amended Order issued to Consumers by the FEA Assistant Administrator for Regulatory Programs on December 12, 1975. In that Decision and Amended Order the FEA assigned Consumers an allocation of natural gas liquids (NGL's) for use as a feedstock during 1976 in its Marysville, Michigan synthetic natural gas (SNG) plant. However, as a prerequisite to receiving an SNG feedstock allocation for a period subsequent to December 31, 1976, Consumers was required to furnish data to the FEA as to (i) the customers which it serves that have alternate fuel capability on a continuing basis; (ii) its efforts to implement a full incremental pricing program for the SNG it supplies; and (iii) the growth in service, if any, which it experienced subsequent to December 1, 1975. Since the nine appeals involved similar issues, they were consolidated into one proceeding. In their submissions several appellants alleged that the Decision and Amended Order was inconsistent with Special Rule No. 1 and Section 18 of the Emergency Petroleum Allocation Act of 1973, as amended (EPAA), because it did not evaluate the economic impact of the determination reached on the market area which Consumers serves. In response, the FEA noted that it has previously held that it is not required to make specific written findings with respect to each factor enumerated in Special Rule No. 1 and Section 18 of the EPAA. Nor was the Amended Order subject to the requirements applicable to a "proposal for legislation" or a proposal for the "promulgation of regulations or rules". The FEA made the following additional findings:

(i) Contrary to the appellants' contentions, the FEA had not violated the procedural due process requirements of the Administrative Procedure Act (APA) in issuing the December 12 Order because the provisions of the APA which require public hearings or other adjudicatory proceedings do not apply to that proceeding.

(ii) All of the appellants had notice and an opportunity to comment on the issues addressed in the Amended Order and therefore appropriate procedural standards were adequately observed by FEA.

(iii) The preparation of an environmental impact statement concerning the impact of incremental pricing cannot be completed until proceedings before the MPSC are in progress and the information necessary to complete a detailed statement becomes available. If any additional incremental pricing is approved by the MPSC the impact on the environment will be assessed and, if necessary, an environment impact statement will be published prior to the issuance of a decision on any further application by Consumers for an additional allocation.

(iv) Consumers had no basis for challenging the accuracy of the factual basis underlying the FEA's determination as to the appropriate amount of the feedstock allocation since the December 12 Order granted Consumers precisely the amount of SNG feedstocks it had requested for 1976.

(v) The FEA's Order did not violate Special Rule No. 1 and the Statement of Policy by failing to include provisions requiring the immediate implementation of full incremental pricing of SNG produced by Consumers or the immediate curtailment of Consumers' customers. The Regulations governing the allocation of SNG feedstocks do not require that SNG produced from allocated feedstocks be incrementally priced on an immediate basis, nor do they categorically prohibit allocated feedstocks from being used to produce SNG which is in turn used by persons who do have alternate fuel capability, and

(vi) The allocation plan adopted in the December 12 Order was a reasonable exercise of administrative discretion in attempting to balance the relevant statutory and regulatory objectives.

The FEA therefore affirmed the December 12 Order insofar as it concerned the decision to grant Consumers sufficient feedstocks to operate its SNG plant at capacity during 1976 while simultaneously requiring that Consumers gather data as to incremental pricing and alternate fuel capability. However, in accordance with a decision issued by the United States District Court for the Eastern District of Michigan, the FEA deleted and modified certain provisions of the December 12 Amended Order regarding the information which Consumers' was required to obtain from customers which might be subject to eventual curtailment. In all other respects, the FEA denied the appeals.

Petrochemical Energy Group, Washington, D.C., FEA-0693, Naphtha.

The Petrochemical Energy Group (PEG) appealed from a Decision and Order issued to the Philadelphia Gas Works (PGW) in which the FEA granted PGW's application for an assignment of naphtha to be used as feedstock in a synthetic natural gas (SNG) plant. In its Appeal, PEG contended that certain portions of the allocation order contravened established FEA policy concerning the allocation of SNG feedstock and that the Order was based on unsubstantiated findings. In partially granting PEG's Appeal, the FEA pointed out that Special Rule No. 1 to 10 CFR 211.29 requires that the allocation of SNG feedstock be conditioned on the applicant terminating its natural gas service to end-users which have alternate fuel capability on a continuing allocation basis. The FEA held that an erroneous finding was made in the order with respect to service to such customers. The Order was therefore modified on Appeal to ensure that PGW would not supply natural gas to customers which do have alternate fuel capability on a continuing basis. In considering the remaining arguments raised by PEG, the FEA determined that: (i) the allocation order corrrectly found that the SNG plant which PGW will construct will be a "replacement" plant as that term is used in Special Rule No. I, and (ii) it was not improper for the FEA to rely upon a previous determination reached by another federal agency that no significant environmental impact would result from the construction and operation of PGW's proposed SNG plant. In all other respects PEG's Appeal was therefore denied.

REQUESTS FOR EXCEPTION

A & N Producing Services, Inc., Jackson, Mississippi, FEE–2215, Crude Oil.

A & N Producing Services, Inc. (A & N) filed an Application for Exception from the provisions of 10 CFR, Part 212, which if granted, would permit A & N to sell at upper tier prices the crude oil it produces from a well which it is considering drilling to replace a well which is inoperative at the present time. In considering A & N's Application, the FEA determined that: (i) prior to the time the well became inoperative, it was the only well which was recovering crude oil from the reservoir involved; (ii) if the well were not replaced by a new well, substantial quantities of crude oil would not be recovered from the reservoir; (iii) under current FEA regulations the crude oil produced from the well must be sold at lower tier ceiling prices; and (iv) the investment required to drill a replacement well is uneconomic if the crude oil produced from the well is to be sold at lower tier prices. On the basis of these findings the FEA concluded that the working interest owners of the well should be granted exception relief which provides a sufficient economic incentive to undertake the capital investment while at the same time avoiding the possibility that windfall profits would be obtained as a result of the exception relief. In this particular case under consideration the FEA concluded that these objectives would be effectuated if A & N were permitted to sell 5,200 barrels of crude oil at upper tier prices, and appropriate exception relief was granted permitting the firm to do so.

Ashland Oil Company of California, Oakland, California, FEE–2194, Motor Gasoline.

Ashland Oil Company of California (Ashland) filed an Application for Exception from the provisions of 10 CFR 211.9. The exception request, if granted, would result in the issuance of FEA orders: (i) assigning Ashland new, lower-priced suppliers of motor gasoline to replace its primary base period supplier, Coastal States Gas Producing Company (Coastal States) and (ii) directing the new suppliers to furnish Ashland with that portion of its base period use of motor gasoline which Coastal States was obligated to furnish. Ashland contended that the cost involved in purchasing gasoline from Coastal states when added to the cost of transporting the gasoline by barge to its terminals is so high that the firm is effectively prevented from competing in its historic markets. In considering the Ashland application, the FEA determined that the price which Ashland actually pays for delivered gasoline is 3.15 cents more per gallon than its competitors pay for gasoline and as a result, the markup which Ashland applied in sales of that product in 1975 had been reduced by 85 percent from 1973 levels and 52 percent from 1974 levels. The FEA further found that because of Ashland's relatively high cost of gasoline, the firm had suffered substantial financial losses for its combined operations in 1975 and that its profitability had declined by 192 percent as compared to the average profit level attained in the three previous years. The FEA therefore concluded that a serious financial hardship existed which warranted exception relief. However, Ashland's request that new suppliers be assigned for all of its base period use of motor gasoline was inappropriate since it would deprive the new suppliers' historical customers of large quantities of petroleum products and would substantially reduce the total supply of motor gasoline available in California. The FEA determined that appropriate exception relief would be provided by ordering Coastal States to provide a quantity of motor gasoline to Ashland which is large enough to enable Ashland to take advantage of the efficiencies of barge transportation. The Regional Administrator was directed to assign California suppliers to supply Ashland with the remaining volume of motor gasoline which Coastal States was obligated to supply Ashland during the ensuing three month period.

Empire Gas Corporation, Lebanon, Missouri, FEE–2391, FEE–2392, Propane.

Empire Gas Corporation (Empire Gas) filed two Applications for Exception from the provisions of 10 CFR 211.9. The exception requests, if granted, would result in the issuance of orders by the FEA assigning Empire Gas a new, lower-priced supplier of propane to furnish that portion of its base period use which it receives from Phillips Petroleum Company and sells through its retail subsidiaries, Empiregas, Inc. of Strasburg, Waynesville, Missouri and Empiregas, Inc. of Colorado. In considering the Applications for Exception, the FEA determined that the only showing that Empire Gas had made was that its two retail subsidiaries, which account for less than one percent of the total sales of the firm, are experiencing financial losses as reported under the firm's historical accounting procedures. The FEA concluded that even assuming that Empire Gas could demonstrate that these losses were directly attributable to the cost of propane paid by its subsidiaries, that showing would not necessarily constitute grounds for the approval of exception relief. The FEA pointed out that in analyzing claims of serious hardship, it has held that the entire petroleum-related activities of a firm must generally be considered. The most recent financial and operating results for Empire Gas' petroleum-related activities clearly demonstrated that the FEA regulatory requirements are not affecting the firm in an adverse manner. The FEA therefore denied Empire Gas' exception requests.

James L. Flinn, Midland, Texas, FEE–2249, Crude Oil.

On March 16, 1976 James L. Flinn (Flinn) filed an Application for Exception from the provisions of 10 CFR Part 212 which, if granted, would permit the working interest owners of the C. W. Popnoe "A" lease in Scurry County, Texas, to sell the crude oil which they produce at upper tier ceiling prices. In considering Flinn's application, the FEA determined that: (i) Flinn's projection that it would be unprofitable to continue to operate in the absence of exception relief is based primarily on the unsubstantiated assumption that his well's production will decline sharply in 1976; and (ii) if the average monthly production from the well during the first three months of 1976 continues for the entire year, the well will in fact be operated on a profitable basis. Noting that exception relief is not warranted on the basis of mere speculation as to the nature and extent of a future hardship or inequity, the FEA concluded that Flinn has failed to substantiate his assertion that the FEA Price Regulations produce a situation in which it is no longer economically feasible to operate the C. W. Popnoe "A" Lease. The exception application was therefore denied.

James M. Cunningham, Inc., Lafayette, Louisiana, Fee–2350, Crude Oil.

James M. Cunningham, Inc. (JMC) filed an Application for Exception from the provisions of 10 CFR Part 212 which, if granted, would permit JMC to sell the crude oil produced from the Julia Richard No. 1 well located in Acadia Parish, Louisiana at upper tier ceiling prices. The firm also requested retroactive exception relief for the period April 1973 through April 1976. In considering JCM's Application, the FEA determined that: (i) the cost of producing crude oil from the Julia Richard well increased significantly in 1975 and now exceeds the lower tier ceiling price which JMC is permitted to charge; (ii) consequently, JMC does not currently have an economic incentive to continue to operate the well; and (iii) if JMC abandons the well, a considerable quantity of otherwise recoverable crude oil would be lost. On the basis of previous precedents involving similar factual situations, the FEA concluded that the application to JMC of the lower tier ceiling price rule resulted in a gross inequity and that exception relief should be granted. An analysis of the specific financial and operating data which JMC submitted led to the further conclusion that JMC should be permitted to sell at upper tier ceiling prices 49.1909 percent of the crude oil produced and sold for the benefit of the working interest owners for a period of five months. With respect to JMC's request for retroactive relief, the FEA determined that the firm had failed to establish a compelling reason for the approval of such relief or to demonstrate that it would experience a severe and irreparable injury in the absence of retroactive exception relief. This portion of the firm's request was therefore denied.

REQUESTS FOR STAY

Atlantic Richfield Company, Los Angeles, California, FES–0810, Motor Gasoline.

Atlantic Richfield Company (Arco) requested that a Remedial Order which the FEA Region IX issued to the firm be stayed pending the final determination of an Appeal from the Remedial Order which Arco had filed. The Remedial Order found that Arco had improperly placed Ashland Oil Company and Digas Company within a class of purchaser occupied by Arco's branded retail dealers and had, as a result, charged prices to the two firms during 1975 which were in excess of the maximum permissible levels established pursuant to 10 CFR 212.82. The Remedial Order directed Arco to refund those overcharges plus interest. In its Application for Stay, Arco contended that it would be irreparably injured if it were immediately required to make refunds and it ultimately prevailed on the merits of its Appeal, since it would encounter substantial difficulty in recovering funds which had been passed through to the marketplace. In its submission, Arco stated that, in order to eliminate the possibility of irreparable injury, it would be willing to place the funds involved in an escrow account where they would remain pending the issuance of a decision by the FEA on the Arco Appeal. That procedure was utilized in several previous cases including Gulf Oil Corp., 3 FEA Par. 85,013 (February 5, 1976). In considering Arco's stay request, the FEA pointed out that in addition to eliminating the possibility of irreparable injury to Arco, the establishment of an escrow account would adequately protect the interests of Ashland and Digas and their customers. The FEA also noted that although Arco had not made a prima facie showing that it would prevail on the merits of its Appeal, the firm had raised several important issues which warrant careful consideration. The FEA therefore determined that the Remedial Order should be stayed on the condition that Arco place the funds involved in a escrow account.

Melton Auto Service, Petersburg, Virginia, FES–2396, Motor Gasoline.

Melton Auto Service filed an Application for Stay of an Assignment Order issued to the firm by the Director of the Operations Division, FEA Region III. The Assignment Order established Melton's annual base period use of motor gasoline at 314,430 gallons. The Application for Stay, if approved, would authorize Melton's supplier, the Marathon Oil Company, to furnish motor gaso-

line to Melton at a level equivalent to an annual allocation of 800,000 gallons pending a final determination on an Application for Exception or Petition for Private Redress which Melton has filed. In considering the Application for Stay, the FEA determined that Melton had made a substantial showing that he would incur an immediate serious hardship and irreparable injury if the stay were denied. The FEA also determined that Melton had demonstrated that a strong likelihood exists that he will ultimately succeed on the merits of his request for exception or special redress relief, since there is substantial doubt as to whether the FEA Regional Office properly applied the criteria for determining Melton's base period use of motor gasoline. The Application for Stay was therefore granted.

DISMISSALS

The following submissions were dismissed following a statement by the applicant indicating that the relief requested was no longer needed:

U.S. Oil & Refining Co., Los Angeles, California, FEE–2190.

The following submissions were dismissed for failure to correct deficiencies in the firm's filing as required by the FEA procedural regulations:

Department of the Navy, Moffett Field, California, FEE–2370.

McIntosh Propane Inc., McIntosh, South Dakota, FEE–2355.

The following submissions were dismissed after the applicants repeatedly failed to respond to requests for additional information:

Hydrocarbons Development Corporation, Alexandria, Virginia, FEE–2305.
South Hampton Company, Washington, D.C., FEE–2242.

The following submission was dismissed on the grounds that the request is now moot.

Taft, Stettinius & Hollister, Cincinnati, Ohio, FEA–0795.

The following submission was dismissed on the grounds that no basis exists for its consideration under the FEA procedural regulations:

Grigsby Oil and Gas, New Orleans, Louisiana, FES–2409.

Copies of the full text of these Decisions and Orders are available in the Public Docket Room of the Office of Private Grievances and Redress, Room B–120, 2000 M Street, N.W., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., e.s.t., except Federal holidays. They are also available in Energy Management: Federal Energy Guidelines, a commercially published loose-leaf reporter system.

DAVID G. WILSON,
Acting General Counsel.

MAY 27, 1976.

[FR Doc.76–15986 Filed 5–27–76;3:59 pm]

ATLANTIC RICHFIELD CO. AND C F PETROLEUM CO.

Reassignment of Certain Wholesale Purchasers and End-Users

On May 14, 1976, the Federal Energy Administration issued a Decision and Order to the Atlantic Richfield Company (Arco) and the C F Petroleum Company (CFP). In the Decision and Order, the FEA granted in substantial part requests filed by Arco and CFP to facilitate the acquisition by CFP of Arco's East Chicago, Indiana refinery.

As part of the relief granted in the May 14 Order, the FEA terminated Arco's supply obligations to those firms which purchase solvents, naphtha and residual fuel oil from the East Chicago refinery. In addition, the FEA permanently assigned CFP to supply those wholesale purchasers and end-users with their adjusted base period uses of allocated products formerly supplied by Arco. Arco and CFP are required by the FEA's May 14, 1976 Order to provide specific notice to each wholesale purchaser and end-user which will be affected by this transfer of base period supplier/purchaser relationships.

Copies of the FEA's Decision and Order issued in this case (FEE–2309; FEE–2312) are available for public inspection in the Public Docket Room of the Office of Private Grievances and Redress, Room B–120, 2000 M Street, N.W., Washington, D.C. 20461.

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

DAVID G. WILSON,
Acting General Counsel.

[FR Doc.76–15985 Filed 5–27–76;3:59 am]

CONTINENTAL OIL CO.

Consent Order

I. INTRODUCTION

Pursuant to 10 CFR § 205.197(c), the Federal Energy Administration (FEA) hereby gives notice of a Consent Order which was executed by the Continental Oil Company (Continental) on January 22, 1976, and by the FEA on May 14, 1976. In accordance with § 205.197(c), the Consent Order will not become effective until the FEA receives and considers public comments with respect to its terms. After consideration of any such comment, FEA may withdraw its agreement to the Consent Order, attempt to negotiate a modification of the Consent Order, or issue the Consent Order as proposed. Notice of any such action taken upon the Consent Order will be published in the FEDERAL REGISTER.

II. THE CONSENT ORDER

Continental Oil Company, P.O. Box 2197, Houston, Texas 77001, is a firm engaged in the refining and marketing of petroleum products.

A. ERRONEOUS INTERPRETATION OF FORMER § 212.88(e)

On November 6, 1974, FEA published FEA Ruling 1974–26. 39 FR 39422 (November 6, 1974). This ruling resolved a controversy surrounding the proper interpretation of former 10 CFR § 212.88 (e), which was in effect from January 15, through May 31, 1974. An investigation by FEA's auditors had established that some refiners required to sell crude oil under FEA's Mandatory Crude Oil Allocation Program (10 CFR § 211.65) had erroneously read former § 212.88(e) as permitting them to recover twice their increased costs associated with such sales. As a result of this so-called "double dip," such refiner-sellers had available for recovery more than the permissible amount of increased crude oil costs. Ruling 1974–26 advised all refiner-sellers of the appropriate method of computing such increased crude oil costs under former § 212.88(e) and directed all such refiners that had not correctly applied the regulations to submit corrected FEO–96 monthly cost allocation reports to reflect their increased costs in a manner consistent with the interpretation contained in the Ruling. By letter dated November 5, 1974, FEA advised all such refiners, including Continental, of Ruling 1974–26 and established a timetable for the filing of corrected FEO–96 reports. By that letter, FEA also directed that any improperly booked costs that had been passed through to their customers would have to be returned.

During the months of measurement February, March, April and May 1974, Continental, through misunderstanding of the former § 212.88(e), booked $17,457,811 of crude oil costs for passthrough in product prices in excess of the maximum allowable costs permitted under the regulations. Upon receipt of FEA's November 5, 1974 letter, Continental promptly filed corrected FEO–96 reports on November 19, 1974, to delete the $17,457,811 from the total amount of product costs available to Continental for passthrough. FEA auditors thereafter determined that Continental had passed through to its customers a small percentage of these costs during the spring of 1974 but that Continental subsequently returned such costs to the marketplace through excessive price reductions. The Consent Order confirms Continental's restitution and reflects that no further remedial action is necessary.

B. IMPROPER CALCULATIONS OF THE LANDED COSTS OF IMPORTED CRUDE OIL

FEA has determined that Continental also booked $2,253,965 of crude oil costs in excess of amounts allowable under FEA regulations as a result of the misapplication of FEA's former transfer pricing regulations in 10 CFR § 212.83. Under those regulations, the "landed cost" of imported crude oil purchased in arm's length transactions was required to be booked using the actual purchase price. FEA found that Continental had over-booked the cost of crude oil obtained in a number of arm's length transactions during 1973 and 1974 as a result of applying the wrong pricing formula. Although a small percentage of these costs were also passed through to purchasers of Continental's customers, FEA's audit determined that these costs were also subsequently returned to the marketplace through Continental's price reductions.

Under the terms of the Consent Order, Continental will submit revised FEO–96

reports, deleting all remaining excessive costs attributable to its misapplication of the former transfer pricing regulations, as shown in a schedule prepared by FEA auditors, from the total amount of product costs which Continental currently has available for passthrough. This will eliminate the possibility of future recovery of any of these unauthorized costs.

ESTIMATION ERRORS AFFECTING GASOLINE SALES REVENUES DURING SEPTEMBER AND OCTOBER 1974

During September and October, 1974, Continental's FEO–96 reports indicated an over-recovery of $1,738,000 in motor gasoline sales. FEA has determined that these receipts in excess of allowable amounts were the result of Continental's good faith, but erroneous, estimation of gasoline sales volumes. (Under FEA pricing regulations, refiners establish prices each month based on estimated sales volumes and are required to make appropriate adjustments in the following month to compensate for any estimation errors.) Continental thereafter reduced its gasoline prices to return such over-recoveries to the marketplace by the end of November 1974. In addition, Continental voluntarily lowered its December 1974 gasoline prices to insure that the full amount of such over-recoveries was returned. By the end of December 1974, Continental was under-recovered by $2,808,000 in gasoline sales. The Consent Order confirms Continental's restitution made at the direction of FEA and reflects that no further remedial action is necessary.

D. RECOGNITION OF CONTINENTAL'S GOOD FAITH IN WORKING WITH FEA AND FEA'S RIGHT TO REOPEN THE PROCEEDINGS

The Consent Order specifically recognizes that Continental has at all times acted in good faith regarding the matters set forth therein and provides, accordingly, that it would not be in the public interest to require any further remedial action by Continental with respect to these matters. It is, recognized, however, that FEA has the right at any time in the future to take further remedial action in the event that any of the information submitted to FEA that culminated in the Consent Order is subsequently determined to be incorrect or prepared in a manner which is inconsistent with applicable FEA regulations or rulings.

III. SUBMISSION OF WRITTEN COMMENTS

Interested persons are invited to comment on this Consent Order by submitting such comments in writing to: Executive Communications, Box GF, Fedederal Energy Administration, Washington, D.C. 20461. Copies of this Consent Order may be received free of charge by written request to Norma White, Federal Energy Administration, Room 5308, 2000 M Street, N.W., Washington, D.C. 20461 or by calling (202) 254–8700.

Comments should be identified on the outside of the envelope and on documents submitted with the designation "Comments on Continental Consent Order." All comments received by 4:30 PM EST on the 30th calendar day following publication of this notice will be considered by the FEA in evaluating the Consent Order.

Any information or data which in the opinion of the person furnishing it, is confidential, must be identified as such and submitted in accordance with the procedures outlined in 10 CFR § 205.9 (f).

Issued in Washington, D.C., May 27, 1976.

DAVID G. WILSON,
Acting General Counsel.

[FR Doc.76-15918 Filed 5-27-76;11:39 am]

CONSUMER AFFAIRS/SPECIAL IMPACT ADVISORY COMMITTEE

Notice of Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92–463, 86 Stat. 770), notice is hereby given that the Consumer Affairs/Special Impact Advisory Committee will meet Thursday, June 17, 1976, at 9 a.m., in the Pershing Room, Holiday Inn at Municipal Auditorium, 1301 Wyandotte Street, Kansas City, Missouri.

The Committee was established to provide the Administrator, FEA, with diversified information and experiences possessed by a wide range of highly qualified individuals who have been extensively involved in planning, development, and implementation of programs to remedy the problems of the consumer, the poor, the elderly, and the handicapped persons in rural and urban America.

The agenda for the meeting is as follows:

1. Report on Downstream Decontrol of Refined Petroleum Products.
2. Gasoline Supply Estimates for Summer 1976.
3. Gasoline Rationing Contingency Plan.
4. Conservation Contingency Plan.
5. State Energy Conservation Program Guidelines.
6. Establishing Sub-Committees to the CA/SI Advisory Committee: (a) Discussion of Membership, (b) FEA Response on Possible Funding.
7. Public Comments (10 Minute rule).

Subcommittees may meet informally in Kansas City, the preceding evening, at the discretion of the Subcommittee Chairmen; the meetings will be open to the public. For further information on Subcommittee activities, call Lois G. Weeks, Director, Advisory Committee Management at (202) 961–7022.

The meeting is open to the public. The Chairman of the Committee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Committee will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform the Director, Advisory Committee Management at least 5 days prior to the meeting and reasonable provision will be made for their appearance on the agenda.

Further information concerning this meeting may be obtained from the Advisory Committee Management Officer.

Minutes of the meeting will be made available for public inspection at the Federal Energy Administration, Washington, D.C.

Issued in Washington, D.C., on May 26, 1976.

DAVID G. WILSON,
Acting General Counsel,
Federal Energy Administration.

[FR Doc.76-15915 Filed 5-27-76;11:39 am]

ENERGY FINANCE ADVISORY COMMITTEE

Notice of Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92–463, 86 Stat. 770), notice is hereby given that the Energy Finance Advisory Committee will meet Friday, June 18, 1976, 10 a.m., Room 5041B, 12th & Pennsylvania Avenue, NW., Washington, D.C.

The Committee was established to provide independent advice to the Federal Energy Administration concerning the following areas: the projected capital needs of the domestic energy industries; the characteristics, conditions, and projected changes in the money and capital markets; the financial disincentives to domestic energy development; and the effectiveness of Federal financial incentive programs to enhance domestic energy supply.

The agenda for the meeting is as follows:

1. Capital Problems of the Energy Industries.
2. Summary of Finance Initiatives for Conventional and Emerging Technologies—FEA and ERDA.
3. Discussion of Energy Finance Problems of Energy Industries.
4. Committee Organization and Discussion of Energy Industry Representation.
5. Topics for Follow-on Meetings.

The meeting is open to the public. The Chairman of the Committee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Committee will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform Lois G. Weeks, Director, Advisory Committee Management, at (202) 961–7022 at least 5 days prior to the meeting and reasonable provision will be made for their appearance on the agenda.

Further information concerning this meeting may be obtained from the Advisory Committee Management Office.

Minutes of the meeting will be made available for public inspection at the Federal Energy Administration.

Issued at Washington, D.C., on May 26, 1976.

DAVID G. WILSON,
Acting General Counsel.

[FR Doc.76-15916 Filed 5-27-76;11:39 am]

VOLUNTARY AGREEMENT AND PLAN OF ACTION TO IMPLEMENT THE INTERNATIONAL ENERGY PROGRAM

Notice of Meeting

In accordance with Section 252(c)(1)(A)(i) of the Energy Policy and Conservation Act (P.L. 94-163), announcement is made of the following meeting:

A meeting of the Industry Advisory Board (IAB) to the International Energy Agency (IEA) will be held on June 8-9, 1976, at 2 Rue Andre Pascal, Paris, 16, France, beginning at 10:30 a.m. on June 8. The purpose of this meeting is to permit attendance by representatives of the IAB at a meeting of the IEA Standing Group on Emergency Questions (SEQ) which is scheduled for June 8-9, 1976. The agenda for the meeting is under the control of the SEQ. It is expected that the draft agenda will be as follows:

1. Approval of the draft agenda.
2. Summary record of the 12th meeting.
3. Emergency Management Manual.
4. Emergency reserves.
5. Oil pricing in an emergency.
6. Test run of the Emergency Data System.
7. Antitrust matters.
8. Demand restraint exercise 1976.
9. National emergency sharing organizations.
10. Any other business.

As provided in Section 252(c)(1)(A)(ii) of the Energy Policy and Conservation Act, this meeting will not be open to the public.

Issued in Washington, D.C., May 27, 1976.

DAVID G. WILSON,
Acting General Counsel,
Federal Energy Administration.

[FR Doc.76-15917 Filed 5-27-76;11:39 am]

FEDERAL MARITIME COMMISSION

[Docket No. 75-35, Agreement Nos. T-1685 as amended and T-1685-6 and Agreement No. T-3130]

CITY OF ANCHORAGE AND SEA-LAND SERVICE, INC., ET AL.

Time for Review of Exceptions to Negative Declaration

MAY 26, 1975.

The Commission's Notice of Environmental Negative Declaration served in this proceeding April 28, 1976, provided that the determination of the Office of Environmental Analysis will be adopted by the Commission if the Commission fails to otherwise act within twenty days following the time provided for filing of exceptions to the Negative Declaration.

Notice is hereby given that, inasmuch as exceptions to the Negative Declaration have been filed which will require further review, the Negative Declaration will not automatically become the final determination of the Commission by passage of the twenty day period.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-15979 Filed 6-1-76;8:45 am]

FAR EAST CONFERENCE, ET AL. AND JAPAN/KOREA-ATLANTIC AND GULF FREIGHT CONFERENCE

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., San Juan, Puerto Rico and San Francisco, California. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before June 14, 1976. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

FAR EAST CONFERENCE, PACIFIC WESTBOUND CONFERENCE, TRANS-PACIFIC FREIGHT CONFERENCE OF JAPAN/KOREA AND JAPAN/KOREA-ATLANTIC & GULF FREIGHT CONFERENCE

Notice of Agreement Filed by:

Edward D. Ransom, Esq., Lillick, McHose and Charles, Two Embarcadero Center, San Francisco, California 94111.

Agreement No. 10110-5 is an application on behalf of the member lines of the Far East Conference, Pacific Westbound Conference, Trans-Pacific Freight Conference of Japan/Korea and the Japan/Korea-Atlantic & Gulf Freight Conference to extend the terms and conditions of the presently approved agreement through September 30, 1976. The terms and conditions of the arrangement remain unchanged and provide that the conference lines may cooperate and coordinate actions for the voluntary disposition of interrelated matters concerning the conferences at issue in Docket Nos. 73-28 and 73-29, involving alleged rate disparities in the trades between Japan and the Pacific Coast, and the Atlantic and Gulf Coasts, respectively of the United States.

By Order of the Federal Maritime Commission.

Dated: May 27, 1976.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-15976 Filed 6-1-76;8:45 am]

FARRELL LINES INC. AND PACIFIC FAR EAST LINES, INC.

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before June 22, 1976. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:

Edward Aptaker, Esquire, Morgan, Lewis & Bocklus, Counselors at Law, 1800 M Street, N.W., Washington, D.C. 20036.

Agreement No. 10207-2, between Farrell Lines Incorporated and Pacific Far East Line, Inc., would modify the approved basic agency agreement by adding the following clause to Article 10 regarding the schedule of commissions on freight, exclusive of surcharges:

E. A one percentum (1%) on freight override commission shall be paid by Farrel to PFFL on all cargo loaded to or discharged from the vessels at ports in the Pacific Northwest, inclusive of Oregon, Washington and British Columbia, where subagents are utilized by PFEL.

By Order of the Federal Maritime Commission.

Dated: May 27, 1976.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-15978 Filed 6-1-76;8:45 am]

PACIFIC STRAITS CONFERENCE

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10126; or may inspect the agreement at the Field Office located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before June 22, 1976. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:

Mr. Harold R. Rollins, Secretary, Pacific-Straits Conference, 635 Sacramento Street, San Francisco, California 94111.

Agreement 5680-21 modifies the self-policing system of the Pacific-Straits Conference. Under present procedures, all allegations of malpractice are submitted to arbitraion immediately for evaluation and judgement. The Conference now proposes that the member lines make the initial determination of the validity of any allegations, and that arbitration be restored to upon appeal only. The Conference proposes, also, that each member line post a $25,000 surety bond the guarantee payment of any penalties which may be assessed it.

By Order of the Federal Maritime Commission.

Dated: May 27, 1976.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-15977 Filed 6-1-76;8:45 am]

FEDERAL POWER COMMISSION

[Docket Nos. G-4904, et al.]

AMOCO PRODUCTION CO.

Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

MAY 24, 1976.

Amoco Production Company (Succ. to Kansas Natural Gas, Inc., *et al.*) and other Applicant listed herein.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to Section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before June 21, 1976, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public conveneience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft [3]	Pressure base
G-4904 (CS72-85) E 3-30-76	Amoco Production Co. (successor to Kansas Natural Gas, Inc. et al.), Security Life Bldg., Denver, Colo. 80202.	Cities Service Gas Co., Hugoton Field, Haskell County, Kans.	[1] [4] 13.50325 [2] [4] 24.471 [3] [4] 30.69	14.65 14.73 14.73
G-4904 (CS71-50) E 4-1-76	Amoco Production Co. (successor to Gulf Oil Co.).	do	[3] [4] 30.69	14.73
G-4904 (CS71-22) E 3-30-76	Amoco Production Co. (successor to John B. Hawley, Jr. and G. S. Davidson et al.)	Cities Service Gas Co., Hugoton Field, Finney County, Kans.	[3] [4] 30.69	14.73
G-4904 (CS71-393) E 3-30-76	Amoco Production Co. (successor to Lester A. Crancer, Jr., and Patrick Gilligan et al.).	do	[3] [4] 30.69	14.73
G-4904 (CS72-394) E 3-30-76	Amoco Production Co. (successor to Veeder Supply & Development Co.).	Cities Service Gas Co., Hugoton Field, Seward County, Kans.	[3] [4] 30.69	14.73
G-4904 (CS71-22) E 3-30-76	Amoco Production Co. (successor to Jahn B. Hawley, Jr., trustee under John B. Hawley, Jr.).	Cities Service Gas Co., Hugoton Field, Finney County, Kans.	[3] [4] 30.69	14.73
G-4904 (CS71-178) E 3-30-76	Amoco Production Co. (successor to William Graham Oil Co. et al.).	Cities Service Gas Co., Hugoton Field, Haskell County, Kans.	[3] [4] 30.69	14.73
G-4904 (CS71-22) E 3-30-76	Amoco Production Co. (successor to Wheeler Smith, trustee under John B. Hawley, Jr., trust No. 1).	Cities Service Gas Co., Hugoton Field, Seward County, Kans.	[3] [4] 30.69	14.73
G-4904 (CS71-22) E 3-30-76	do	do	[3] [4] 30.69	14.73
G-4904 (CS71-22) E 3-30-76	do	Cities Service Gas Co., Hugoton Field, Finney County, Kans.	[3] [4] 30.69	14.73
C163-1193 D 4-6-76	Phillips Petroleum Co., 5 C4 Phillips Bldg., Bartlesville, Okla. 74004.	Natural Gas Pipeline Co. of America, Camrick Field, Beaver County, Okla.	[5]	

[1] Initial price includes 13.5¢ base rate, plus 0.00325¢ tax reimbursement (British thermal unit downward adjustment effective up to Jan. 1, 1976).
[2] January 1 price includes 23.5¢ base rate plus 1.859¢ tax reimbursement and −0.888 Btu adjustment Jan. 1, 1976, through June 30, 1976, based on British thermal unit of 965.
[3] July 1 price includes 29.5¢ base rate plus 2.310¢ tax reimbursement and −1.113¢ Btu adjustment based on and after July 1, 1976, on British thermal unit of 965.
[4] Subject to upward and downward British thermal unit adjustment.
[5] The pressure of gas produced is not sufficient to deliver gas into Natural's gathering system and deliveries have ceased.

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

[FR Doc.76-15748 Filed 6-1-76;8:45 am]

[Docket Nos. G-10739, et al.]

ATLANTIC RICHFIELD CO.

Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

MAY 24, 1976.

Atlantic Richfield Company and other Applicants listed herein.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to Section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.[2]

Any person desiring to be heard or to make any protest with reference to said applications should on or before June 17, 1976, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf [2]	Pressure base
G-10739 ..... E 3-18-76	Atlantic Richfield Co., P.O. Box 2819, Dallas, Tex. 75221.	Texas Eastern Transmission Corp., Chicolete Creek, Lavaca, and Jackson Counties, Tex.	Depleted	.....
G-13228 ..... D 4-6-76	Cities Service Oil Co., P.O. Box 300, Tulsa, Okla. 74102.	Michigan-Wisconsin Pipe Line Co., Laverne Field, Harper County, Okla.	Nonproductive	.....
CI68-816 ..... C 3-29-76	Phillips Petroleum Co., Bartlesville, Okla. 74004.	Northern Natural Gas Co., Hugoton-Anadarko area (Tex. and Okla.).	[3] None	14.65
CI75-556 ..... C 4-6-76	Arkla Exploration Co., P.O. Box 1734, Shreveport, La. 71151.	Arkansas Louisiana Gas Co., O'Keene Field, Blaine County, Okla.	[3] [4] 0.65	.....
CI76-503 ..... A 5-3-76	Oxy Petroleum, Inc., 5000 Stockdale Highway, Bakersfield, Calif. 93309	Tennessee Gas Pipeline Co., a division of Tenneco, Inc., Columbus Field area, Colorado County, Tex.	[3] 0.564333	14.65
CI76-504 ..... A 4-30-76	Pacific Lighting Gas Development Co., 720 West 8th St., Los Angeles, Calif. 90017.	Pacific Interstate Transmission Co., Taurus Field, Ward County, Tex., and Red Hills Field, Lea County, N. Mex.	[3] 81.0	14.65
CI76-505 ..... (CS72-162) F 5-3-76	Gulf Oil Corp. (successor to Nafco Oil & Gas, Inc.), P.O. Box 2100, Houston, Tex. 77001.	Northern Natural Gas Co., Hugoton Field, Haskell County, Kans.	[5] 12.8120	14.65
CI76-506 ..... (CS72-162) F 5-3-76	Gulf Oil Corp. (successor to Nafco Oil & Gas, Inc.).	Northern Natural Gas Co., Hugoton Field, Stevens County, Kans.	11.0000	14.65
CI76-507 5-3-76	Getty Oil Co., P.O. Box 1404, Houston, Tex. 77001.	Southern Natural Gas Co., Grange Field, Lawrence and Jefferson Davis Counties, Miss.	Wells plugged and abandoned and acreage released.	.....
CI76-508 ..... A 5-5-76	Mobil Oil Corp., 3 Greenway Plaza East, Suite 800, Houston, Tex. 77046.	Cinta Rojo (Morrow) Field, Lea County, N. Mex.	[3] 27.0106	14.73
CI76-509 ..... (CS66-72) F 4-30-76	Amoco Production Co. (successor to Reserve Oil & Gas Co.), P.O. Box 3092, Houston, Tex. 77001.	Texas Gas Pipe Line Corp., Marrs McLean Field, Jefferson County, Tex.	[5] 59.1042	14.65
CI76-510 ..... (G-4579) F 4-30-76	The Maurice L. Brown Co. (successor to Cities Service Oil Co.), P.O. Box 11320, Kansas City, Mo. 64112.	Colorado Interstate Gas Co., Etta Niles No. 2 well NW¼NE¼ of sec. 32-6N-10ECM, Keyes Field, Texas County, Okla.	[7] 23.5	14.73
CI76-511 ..... A 5-5-76	Northern Michigan Exploration Co., 800 Bank of the Southwest Bldg., Houston, Tex. 77002.	United Gas Pipe Line Co., West Deer Island Field, Terrebonne Parish, La.	[8] 66.73	15.025
CI76-512 ..... B-5-3-76	Sun Oil Co., 2 Northpark East, P.O. Box 20, Dallas, Tex. 75221.	Arkansas Louisiana Gas Co., E. Kiblah Field, Miller County, Ark.	Lease terminated.	.....
CI76-513 ..... B 5-3-76	Sun Oil Co	Southern Natural Gas Co., Knoxo Field, Walthall Co., Miss.	All leases have expired.	.....
CI76-514 ..... A 5-6-76	Atlantic Richfield Co., P.O. Box 2819, Dallas, Tex. 75221.	Pacific Alaska LNG Co., Ivan River Field, Cook Inlet area, Alaska.	49.0	14.65
CI76-516 ..... B 5-3-76	Bill J. Graham, P.O. Box 5321, Midland, Tex. 79701.	The Nueces Co., Pitzer (Delaware) Ward County, Tex.	Nonproductive	.....
CI76-517 ..... (CS72-162) F 5-10-76	Gulf Oil Corp. (successor to Nafco Oil & Gas, Inc.).	Northern Natural Gas Co., Hugoton Field, Haskell County, Kans.	11.0000	14.65
CI76-518 ..... B 5-10-76	Texaco Inc., P.O. Box 52332, Houston, Tex. 77052.	Colorado Interstate Gas Co., Keys Field, Cimarron County, Okla.	Depleted	
CI76-519 ..... A 5-10-76	Standard Oil Co. of California, 575 Market St. San Francisco, Calif. 94105.	Pacific Alaska LNG Co., Ivan River Field, Cook Inlet area, Alaska.	49.0	14.65
CI76-520 ..... (CS72-162) F 5-10-76	Gulf Oil Corp. (successor to Nafco Oil & Gas, Inc.).	Northern Natural Gas Co., Perryton Field, Ochiltree County, Tex.	[9] 19.5734	14.65
CI76-521 ..... B 5-10-76	Mineral Services Corp., 805 Lincoln Liberty Life Bldg., 711 Polk St., Houston, Tex. 77002.	Transwestern Pipeline Co., Crawar Field, Crane and Ward Counties, Tex.	[10]	
CI76-522 ..... B 5-10-76	Perry R. Bass, 3100 Fort Worth National Bank Bldg., Fort Worth, Tex. 76102.	Florida Gas Transmission Co., South Hutchins Field, Wharton County, Tex.	Lease terminated and no remaining recoverable reserves	
CI76-523 ..... A 5-10-76	Arkla Exploration Co	Arkansas Louisiana Gas Co., Northeast Carleton Field, Blaine County, Okla.	[3] 0.556657	14.65
CI76-524 [11] ..... A 5-10-76	Northern Michigan Exploration Co., 212 West Michigan Ave., Jackson, Mich. 49201.	Trunkline Gas Co., West Cameron, block 639, south addition offshore Louisiana.	[12] [13] 174.56	15.025
CI76-525 [11] ..... A 5-12-76	South Louisiana Production Co., Inc. P.O. Box 52088, Lafayette, La. 70501.	United Gas Pipe Line Co., Allen Parish, La.	$1.05	15.025
CI76-526 ..... A 5-12-76	Gulf Oil Corp	El Paso Natural Gas Co	[14] [15] 128.2491	14.73

Filing code A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

[2] This notice contains Limited-Term applications.

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft [2]	Pressure base
CI76-527 (CS72-162) F 5-12-76	Gulf Oil Corp. (successor to Nafco Oil & Gas, Inc.).	Northern Natural Gas Co., Hugoton Field, Haskell County, Kans.	[16] 11.0000	14.65
CI76-528 (CS72-162) F 5-12-76	do	do	[16] 11.0000	14.65
CI76-529 A 5-13-76	Terra Resources, Inc., 5416 South Yale Ave., Tulsa, Okla. 74135.	Transcontinental Gas Pipe Line Corp., Palmetto Field area, St. Laundry Parish, La.	[3] 53.0414	15.025
CI76-530 A 5-13-76	Diamond Shamrock Corp., P.O. Box 631, Amarillo, Tex. 79173.	El Paso Natural Gas Co., sec. 55, block M-1, H. & G. N. survey, Himphill County, Tex.	[12] 52.00	14.73
CI76-531 (CS72-162) F 5-13-76	Gulf Oil Corp. (successor to Nafco Oil & Gas, Inc.).	Northern Natural Gas Co., RHF Morrow Field, Ochiltree County, Tex.	[17] 18.5696	14.65

[1] Add additional delivery points and increase exchange volumes. 000
[2] Subject to upward and downward British thermal unit adjustment.
[3] Sale qualifies for the national rate because the gas has never previously been sold in interstate commerce.
[4] Opinion No. 699-H base rate plus British thermal unit adjustment and tax reimbursement.
[5] Includes 0.7105¢ downward British thermal unit adjustment and 0.225¢ tax reimbursement.
[6] Includes 2.7955¢ upward British thermal unit adjustment.
[7] Subject to upward and downward British thermal unit adjustment plus tax reimbursement.
[8] Includes 6.18¢ upward British thermal unit adjustment.
[9] Includes tax reimbursement of 0.0374¢.
[10] Seller is not subject to FPC jurisdiction, a declaration of abandonment is sought to remove any question of FPC jurisdiction over these gas reserves which cannot be sold in interstate commerce.
[11] Limited-term application.
[12] Subject to upward British thermal unit adjustment.
[13] Price will be the nationwide rate under opinion No. 699-H of 53.041¢/M ft³ pending Commission approval of contract rate.
[14] Includes 6.1071¢ upward British thermal unit adjustment and 9.1420¢ State taxes.
[15] Applicant is willing to accept a permanent certificate at an initial rate of 52.0¢/M ft³ at 14.73 lb/in²a, plus production taxes, subject to an upward or downward adjustment from 1,000 Btu/ft³, in conformance with opinion No. 699, as amended.
[16] Subject to downward British thermal unit adjustment.
[17] Includes 0.0696¢ tax reimbursement and is subject to downward British thermal unit adjustment.

[FR Doc.76-15749 Filed 6-1-76;8:45 am]

COASTAL STATES GAS PRODUCING CO.

[Docket Nos. G-7115, *et al.*]

Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

MAY 24, 1976.

Coastal States Gas Producing Company and other Applicants listed herein.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before June 21, 1976, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft³	Pressure base
G-7115 ..... C 4-30-76	Coastal States Gas Producing Co., 5 Greenway Plaza East, Houston, Tex. 77046.	Tennessee Gas Pipeline Co., a division of Tenneco, Inc., Cologne Field, Victoria County, Tex.	[1] 56.090	14.65
G-10943 ..... (G-10943) E 3-26-76	Samson Resources Co., (Operator) et al., (successor to Sun Oil Co.) 2700 1st Pl., Tulsa, Okla. 74103.	Cities Service Gas Co., Northeast Glenwood, Beaver County, Okla.	[2] 23.5	14.65
G-11037 ..... C 4-21-76	Gulg Oil Corp., P.O. Box 2100, Houston, Tex. 77001.	El Paso Natural Gas Co., Jalmat Field, Lea County, N. Mex.	[3] 63.7674	14.65
CI-61-1565 ..... C 3-30-76	Anadarko Production Co., P.O. Box 1330, Houston, Tex. 77001.	Panhandle Eastern Pipe Line Co., East Postle Field, Texas County, Okla.	[2a] 51.7170	14.65
CI64-78 ..... (CS71-69) E 4-26-76	Amoco Production Co., (successor to Yingling Oil, Inc.), Security Life Bldg., Denver, Colo. 80202.	Cities Service Gas Co., Southeast Gymon Field, Texas County, Okla.	[4] 21.477 [5] 27.193 [6] 34.121	14.65 14.73 14.73
CI68-816 ..... 4-19-76 [7]	Phillips Petroleum Co., Bartlesville, Okla. 74004.	Northern Natural Gas Co., Hugoton-Anadarko area (Tex. and Okla.	None	14.65
CI72-651 ..... C 4-19-76	Anadarko Production Co., P.O. Box 1330, Houston, Tex. 77001.	Panhandle Eastern Pipe Line Co., Abraham Granite Wash Field, Hemphill County, Tex.	[8] 52.0	14.65
CI73-280 ..... (CI67-884) CF 2-19-76 3-24-76 [9]	Amoco Production Co., (successor to E. G. Rodman), Security Life Bldg., Denver, Colo. 80202.	Northern Natural Gas Co., Mocane-Laverne Field, Beaver County, Okla.	[10] 20.03971	14.65
CI73-309 ..... 4-12-76 [11]	Phillips Petroleum Co., Bartlesville, Okla. 74004.	Transwestern Pipeline Co., Panhandle-Hugoton area, Tex.	None	14.65
CI73-485 ..... C 3-26-76	CIG Exploration, Inc. 5 Greenway Plaza East, Houston, Tex. 77046.	Colorado Interstate Gas Co., Bivins 75-R well, West Panhandle Field, Tex.	[12] 52.0	14.73
CI73-867 ..... (CI73-867) E 5-5-76	Gas Producing Enterprises, Inc. (successor to Coastal States Gas Producing Co.).	South Texas Natural Gas Gathering Co., Cortez Field, Star County, Tex.	[13] 50.72	14.65
CI75-38 ..... C 5-3-76	Gulf Oil Corp., P.O. Box 2100 Houston, Tex. 77001.	El Paso Natural Gas Co., Lea County, N. Mex.	[14] 59.1478	14.73
CI76-42 ..... C 5-4-76	Tenneco Oil Co., P.O. Box 2511, Houston, Tex. 77001.	El Paso Natural Gas Co., undesignated pictured, Cliffs Field, San Juan County, N. Mex.	[15] 56.3869	14.73
CI76-432 ..... A 3-25-76	Cabot Corp., P.O. Box 1473, Charleston, W. Va., 25325.	National Fuel Gas Supply Corp., Thomas Corners Field, Bath, Steuben County, N.Y.	[16] 52.0	14.73
CI76-449 ..... (G-8712) 5-6-76 [17]	Bass Enterprises Production Co., agent for Bass Partnership (successor to Cities Service Oil Co. et al.), 2100 1st City National Bank Bldg., Houston, Tex. 77002.	United Gas Pipe Line Co., Crescent Farms Field, Terrebonne Parish, La.	[18] 75.0	15.025
CI76-479 ..... B 4-5-76	Basin Petroleum Corp., 1000 Oil Center Bldg., 2601 NW. Expressway, Oklahoma City, Okla 73112.	Texas Eastern Transmission Corp., Northwest Chalkley Field, Calcasieu Parish, La.	Contract terminated	.....
CI76-497 ..... A 4-26-76	Napeco Inc., 122 South Michigan Ave., Chicago, Ill. 60603.	Natural Gas Pipeline Co. of America, Red Tank area, Lea County, N. Mex.	[18] 52.0	14.73
CI76-532 ..... (CS72-162) F 5-13-76	Gulf Oil Corp. (successor to Nafco Oil & Gas, Inc.), P.O. Box 2100, Houston, Tex. 77001.	Northern Natural Gas Co., Hugoton Field, Haskell County, Kans.	[20] 11.0	14.65
CI76-533 ..... (CS72-162) F 5-13-76	do	Panhandle Eastern Pipe Line Co., Hansford Field, Hansford County, Texas.	[21] 19.0476	14.65
CI76-534 ..... B 5-6-76	Macon Gas Transmission, P.O. Box 711, Nashville, Tenn. 37202.	Texas Eastern Transmission Corp., Macon County, Tenn.	Business discontinued	.....

[1] Includes 0.398¢ gathering allowance and is subject to upward and downward British thermal unit adjustment.
[2] Subject to downward British thermal unit adjustment.
[2a] Subject to upward and downward British thermal unit adjustment.
[3] Includes 7.8311¢ upward British thermal unit adjustment. Applicant is willing to accept a permanent certificate at the national rate in conformance with sec. 2.56a.
[4] Effective Aug. 28, 1975. Includes 1.477¢ upward British thermal unit adjustment.
[5] Effective May 26, 1976. Includes 1.819¢ tax reimbursement and 1.874¢ upward British thermal unit adjustment.
[6] Effective July 1, 1976. Includes 2.270¢ tax reimbursement and 2.351¢ upward British thermal unit adjustment.
[7] Amendment to add additional delivery points and increase exchange volume.
[8] Subject to upward and downward British thermal unit adjustment.
[9] Being renoticed to show an increase in price.
[10] Includes 1.728¢ upward British thermal unit adjustment and 0.31171¢ tax reimbursement.
[11] Amendment to add additional delivery points.
[12] Plus tax reimbursement and subject to upward British thermal unit adjustment.
[13] Plus tax reimbursement and subject to upward and downward British thermal unit adjustment.
[14] Includes 1.4060¢ upward British thermal unit adjustment and 1.5000¢ gathering allowance. Applicant is willing to accept a permanent certificate at the national rate in conformance with sec. 2.56a.
[15] Includes 4.386¢ tax reimbursement and is subject to upward and downward British thermal unit adjustment.
[16] Includes 2.03¢ upward British thermal unit adjustment. Applicant is willing to accept a certificate in accordance with sec. 2.56a of the Commission's general policy and interpretations.
[17] Applicant proposes to continue its own service heretofore authorized by Cities Service Oil Co., et al. in docket No. G-8712.
[18] Subject to upward and downward British thermal unit adjustment. Applicant is willing to accept temporary and permanent certificates conditioned upon an initial rate equal to the national rate pursuant to opinion No. 699-H.
[19] National rate pursuant to opinion No. 699-H.
[20] Subject to downward British thermal unit adjustment.
[21] Includes 0.0476¢ tax reimbursement.

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

[FR Doc.76-15750 Filed 6-1-76;8:45 am]

[Docket No. ER76-682]

CAROLINA POWER & LIGHT CO.

Filing

MAY 25, 1976.

Take notice that on May 10, 1976, Carolina Power & Light Company (Applicant) filed with the Federal Power Commission, pursuant to section 35 of the Regulations under the Federal Power Act, Service Schedule D to the existing Interchange Agreement between Tennessee Valley Authority and Carolina Power & Light Company. The Interchange Agreement is on file with the Commission and has been assigned FPC No. 95.

Service Schedule D provides for the purchase and delivery of short-term power between the parties. The filing is proposed to be effective May 1, 1976.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 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 June 7, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-15958 Filed 6-1-76;8:45 am]

[Docket Nos. RP71-15 and RP75-28]

EAST TENNESSEE NATURAL GAS CO.

Proposed Rate Filing Pursuant to Tariff Rate Adjustment Provisions

MAY 25, 1976.

Take notice that on May 14, 1976, East Tennessee Natural Gas Company (East Tennessee) tendered for filing proposed changes to Sixth Revised Volume No. 1 of its FPC Gas Tariff to be effective on July 1, 1976, consisting of the following revised tariff sheets:

Sixteenth Revised Sheet No. 4 and Alternate Sixteenth Revised Sheet No. 4.

East Tennessee states that the sole purpose of these revised tariff sheets is (1) to adjusts East Tennessee's rates pursuant to the PGA provision in section 22 of the General Terms and Conditions to reflect increased purchased gas costs resulting from a rate increase filed May 14, 1976, by its sole supplier, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), and (2) to adjust East Tennessee's rates pursuant to section 24.8 of the General Terms and

Conditions so as to reflect curtailment credits. East Tennessee further states that Sixteenth Revised Sheet No. 4 reflects Tennessee's filing of May 14, 1976, and that Alternate Sixteenth Revised Sheet No. 4 reflects Tennessee's alternate filing of May 14, 1976.

East Tennessee states that copies of the filing have been mailed to all of its jurisdictional customers and affected state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 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; provided, however, that any person who has previously filed a petition to intervene in this proceeding is not required to file a further petition. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-15952 Filed 6-1-76;8:45 am]

[Docket No. C161-182]

GENERAL AMERICAN OIL CO. OF TEXAS

Extension of Time

MAY 25, 1976.

On May 6, 1976, General American Oil Company filed a motion for a further extension of time to comply with Paragraph (B) of order issued March 4, 1976, as amended by notice issued April 9, 1976.

Upon consideration notice is hereby given that the time is extended to and including June 1, 1976, within which General American Oil Company shall comply with Paragraph (B) of the order issued March 4, 1976 in the above matter.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-15961 Filed 6-1-76;8:45 am]

[Docket No. CP76-369]

MOUNTAIN FUEL SUPPLY CO.

Application

MAY 24, 1976.

Take notice that on May 14, 1976, Mountain Fuel Supply Company (Applicant), 180 East First South Street, Salt Lake City, Utah 84139, filed in Docket No. CP76-369 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience of necessity authorizing the construction and operation of facilities and the exchange of natural gas with Northwest Pipeline Corporation (Northwest) in Sweetwater County, Wyoming, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that Northwest has available to it a new supply of natural gas in the Salt Wells South Unit Area of Sweetwater County which is remote from Northwest's system. Northwest would deliver this gas to Applicant which has facilities in the area in exchange for Applicant's delivering gas to Northwest near Granger in Sweetwater County. The application states that approximately 231,000 Mcf of gas per year would be delivered to Applicant and that Applicant would have the option of purchasing up to 25 percent of such gas from Northwest.

It is stated that Applicant would pay Northwest for purchased gas a price based upon the same terms and conditions under which Northwest purchases the gas plus Northwest's cost of service. Northwest's cost of service with respect to such gas, including a return on its investment for gathering, compression, dehydration, necessary treating for removal of impurities, and for transportation of the gas to Applicant, is said initially to be 5 cents per Mcf. Applicant would charge Northwest initially for the transportation service 4 cents per Mcf of gas delivered by Applicant to Northwest.

In order to receive gas from Northwest, Applicant proposes to construct and operate a 3-inch tap at a cost of $7,600. This amount would be financed with funds obtained from internal sources, the application states.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 22, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the 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.76-15962 Filed 6-1-76;8:45 am]

[Docket No. ER76-680]

NORTHERN INDIANA PUBLIC SERVICE CO.

Revised Tariff Sheets

MAY 25, 1976.

Take notice that on May 10, 1976 Northern Indiana Public Service Company (NIPSCo) tendered for filing:

Second Revised Sheet No. 3; Exhibit B-1 Relocated; Exhibit—B-11.

to its FPC Electric Service Tariff-Second Revised Volume No. 1 Second Revised Sheet No. 3 is a map which has been revised to include the additional delivery point of Walnut Creek, East and to show relocation of the Walnut Creek, West delivery point. Exhibit B-1 Relocated and B-11 provide for service to be furnished under Rate VAI to Kosciusko County REMC at a relocated points of delivery.

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 June 15, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-15956 Filed 6-1-76;8:45 am]

[Docket No. CP76-350]

NORTHWEST PIPELINE CORP.

Tariff Filing

MAY 25, 1976.

Take notice that on May 10, 1976, Northwest Pipeline Corporation, ("Northwest") tendered for filing Original Sheet Nos. 165 through 179 to its FPC Gas Tariff, Original Volume No. 2. The tendered tariff sheets will, when accepted for filing and permitted to become effective, establish special Rate Schedule X-30 as a part of Northwest's Tariff.

Rate Schedule X-30 is comprised of a Gas Purchase, Transportation and Exchange Agreement ("Agreement") dated February 13, 1976 between Northwest and Mountain Fuel Supply Company ("Mountain Fuel"). The Agreement pro-

vides for the delivery of volumes of natural gas by Northwest to Mountain Fuel in the Salt Wells area of Sweetwater County, Wyoming for transportation and redelivery to Northwest at an existing point of interconnection in Sweetwater County, Wyoming. Mountain Fuel has an option to purchase up to 25% of the volumes so made available by Northwest. Northwest estimates that the proposed special Rate Schedule X-30 would increase its jurisdictional revenues by $2,741.

Northwest states that copies of this filing have been mailed to Mountain Fuel.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with 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 June 7, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-15960 Filed 6-1-76;8:45 am]

[Docket No. ER76-684]

OHIO VALLEY ELECTRIC CORP.

Tariff Change

MAY 25, 1976.

Take notice that Ohio Valley Electric Corporation (Ohio Valley), on May 12, 1976, tendered for filing a proposed Modification No. 7 dated as of November 5, 1975 to the Power Agreement dated October 15, 1952 between Ohio Valley Electric Corporation and the United States of America acting by and through the United States Atomic Energy Commission and, subsequent to January 18, 1975, the Administrator of the United States Energy Research and Development Administration, and a proposed Modification No. 4 dated as of November 5, 1975 to the Inter-Company Power Agreement dated July 10, 1953 among Ohio Valley Electric Corporation and its Sponsoring Companies, along with a Certification of Concurrence on behalf of each Sponsoring Company.

Ohio Valley states that these proposed Modifications effect changes in the Agreements referred to above with respect to the installation of certain types of replacement facilities at Ohio Valley Electric Corporation's generating plants. An effective date of June 30, 1976 has been requested for these proposed Modifications. Waiver of certain notice and filing requirements has also been requested.

Ohio Valley further states that copies of the filing are being mailed to the state public service commissions having jurisdiction over Ohio Valley Electric Corporation and its Sponsoring Companies, as well as to each jurisdictional customer of Ohio Valley Electric Corporation.

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 June 9, 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.76-15964 Filed 6-1-76;8:45 am]

[Project Nos. 2735, 1988]

PACIFIC GAS AND ELECTRIC CO.

Postponing Conference

MAY 24, 1976.

On May 17, 1976, Pacific Gas and Electric Company (PG and E) filed a motion for a continuance of the conference, presently scheduled for June 2, 1976, until three weeks after the issuance of an order on PG and E's application for rehearing of the order issued April 1, 1976, in the above-designated matter. PG and E's application for rehearing was filed May 3, 1976. The motion states that the request for a continuance has been discussed with staff counsel and counsel for all intervenors, and no one has an objection to the continuance.

Upon consideration, notice is hereby given that the conference presently scheduled for June 2, 1976, is postponed until three weeks after the issuance of an order on PG and E's application for rehearing of the order issued April 1, 1976. The conference date will be set by a subsequent notice or order.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-15955 Filed 6-1-76;8:45 am]

[Docket No. ER76-687]

PUBLIC SERVICE CO. OF COLORADO

Filing of Initial Rate Schedule

MAY 25, 1976.

Take notice that Public Service Company of Colorado (PSCO) on May 14, 1976, tendered for filing as an initial rate schedule a Power Purchase Agreement (Agreement) with the Town of Center, Colorado (Town).

PSCO states that the Agreement provides for service to the Town under PSCO's small wholesale rate, which is currently applicable to 5 other customers of PSCO. Service to the Town is expected to commence on June 15, 1976.

PSCO states that copies of the filing were served upon all parties to the Agreement and affected state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such protests or petitions should be filed on or before June 4, 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 proceedings. 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.76-15959 Filed 6-1-76;8:45 am]

[Docket No. ER76-679]

PUBLIC SERVICE COMPANY OF INDIANA, INC.

Supplemental Agreement

MAY 25, 1976.

Take notice that on May 10, 1976, Public Service Company of Indiana, Inc. (PSI) tendered for filing the third supplemental agreement to the Interconnection Agreement dated September 1, 1970 between PSI and The Cincinnati Gas & Electric Company, designated as PSI's Rate Schedule FPC No. 218.

PSI states the purpose of the supplemental agreement is to increase the demand charge for Short Term Power from 45¢ per kilowatt per week to 50¢ per kilowatt per week.

PSI requests an effective date of June 5, 1976 for this agreement.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with 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 June 15, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-15957 Filed 6-1-76;8:45 am]

[Docket No. ER76-681]

PUBLIC SERVICE CO. OF INDIANA, INC.

Supplemental Agreement

MAY 25, 1976.

Take notice that on May 10, 1976 Public Service Company of Indiana, Inc. (PSI) tendered for filing the second supplemental agreement dated January 1, 1974 between FSI and Northern Indiana Public Service Company, designated as PSI's Rate Schedule FPC No. 227. PSI states the purpose of this agreement is to increase the demand charge for Short Term Power from 45¢ per kilowatt per week to 50¢ per kilowatt per week.

PSI requests an effective date of June 5, 1976 for this agreement.

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 June 15, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-15954 Filed 6-1-76;8:45 am]

[Docket No. RP75-73, RP74-41 (PGA76-5, DCA76-2)]

TEXAS EASTERN TRANSMISSION CORP.

Proposed Changes in FPC Gas Tariff

MAY 25, 1976.

Take notice that Texas Eastern Transmission Corporation, on May 17, 1976, tendered for filing proposed changes in its FPC Gas Tariff, Fourth Revised Volume No. 1, the following sheeets:

Revised Twentieth Revised Sheet No. 14.
Revised Twentieth Revised Sheet No. 14A.
Revised Twentieth Revised Sheet No. 14B.
Revised Twentieth Revised Sheet No. 14C.
Revised Twentieth Revised Sheet No. 14D.
Twentieth Revised Sheet No. 14.
Twentieth Revised Sheet No. 14A.
Twentieth Revised Sheet No. 14B.
Twentieth Revised Sheet No. 14C.
Twentieth Revised Sheet No. 14D.

These sheets are being issued pursuant to Texas Eastern's Demand Charge Adjustment Commodity Surcharge provision and Purchased Gas Cost Adjustment provision contained in section 12.4 and section 23, respectively, of the General Terms and Conditions of its FPC Gas Tariff, Fourth Revised Volume No. 1. The rate change proposed by Texas Eastern reflects changes in the Demand Charge Adjustment Commodity Surcharge, rates charged by Texas Eastern's producer and pipeline suppliers and an adjustment to Texas Eastern's rates to clear the balance of the Gas Cost Adjustment Account. Also included in Texas Eastern's filing are increases pursuant to the Commissions Opinion No. 749 to be effective July 1, 1976.

Texas Eastern requests that the Commission accept the Revised Twentieth Revised series of tariff sheets to be effective July 1, 1976. However, should the Commission suspend the effectiveness of these sheets one day, Texas Eastern requests that the Commission accept the Twentieth Revised series of tariff sheets to be effective July 1, 1976.

Copies of the filing were served upon the company's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 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.76-15963 Filed 6-1-76;8:45 am]

[Docket No. E-9147 (Phase II)]

VIRGINIA ELECTRIC AND POWER CO.

Extension of Time

MAY 25, 1976.

On March 14, 1976, Electric Cities of North Carolina filed a motion to extend the procedural dates fixed by order issued January 22, 1975, as most recently modified by notice issued February 23, 1976, in the above designated proceeding. The motion states that there were no exceptions to the request.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Intervenor Testimony, September 8, 1976.
Service of Staff Intervenor, September 29, 1976.
Service of Company Rebuttal, October 12, 1976.
Service of Intervenor Rebuttal, November 2, 1976.
Hearing, November 9, 1976 (10:00 E.s.t.).

By direction of the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-15953 Filed 6-1-76;8:45 am]

[Docket No. CP76-371]

CITIES SERVICE GAS CO.

Application

MAY 25, 1976.

Take notice that on May 17, 1976, Cities Service Gas Company (Applicant), P.O. Box 25128, Oklahoma City, Oklahoma 73125, filed in Docket No. CP76-371 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the continued operation of facilities in Cherokee County, Kansas, for the delivery of natural gas to Gulf Oil Corporation (Gulf) for use in Gulf's Jayhawk plant, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant proposes to continue the operation of facilities used for the sale of natural gas to Gulf for uses described by Applicant as being included in Categories 2 and 7 of Applicant's curtailment plan. The application states that deliveries of natural gas at this site commenced in 1942. By "Presiding Administrative Law Judge's Initial Decision upon a Petition for Extraordinary Relief" issued August 11, 1975, in Cities Service Gas Company (Customs Resins, Inc.), Docket No. RP75-6-1, and adopted by the Commission by order issued April 2, 1976, it was determined that the facilities and service were not included under the authorization granted by the certificate of public convenience and necessity issued December 28, 1943, in Docket No. G-298 authorizing the continued operation of facilities in bona fide operation on February 7, 1942, and through the date of said order in Docket No. G-298, as Applicant asserted it had believed.

The application states that Applicant's annual sales to Gulf at the Jayhawk plant in Category 2, plant protection, of Applicant's curtailment plan are approximately 27,375 Mcf of gas. Total sales at this site during 1975 are shown by the application to have been 599,544 Mcf of gas.

Applicant states that no new facilities are proposed and that the continued operation of the existing facilities would not affect Applicant's ability to render service to customers. Further, it is stated, no new sales are proposed and the continued operation of the existing facilities would not materially affect Applicant's overall system revenues.

The subject facilities are described as 10,051 feet of 10-inch pipeline, 411 feet of 12-inch pipeline and two meters. It is said that these facilities were installed in 1942 at a cost of $32,397.69.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 17, 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 herein 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.76-15903 Filed 6-1-76;8:45 am]

[Docket No. CP75-140]

PACIFIC ALASKA LNG CO., ET AL.

Amendment to Application

MAY 25, 1976.

Take notice that on May 17, 1976, Pacific Alaska LNG Company, 720 West Eighth Street, Los Angeles, California 90017, and Alaska California LNG Company, 77 Beale Street, San Francisco, California 94109, filed in Docket No. CP75-140 an amendment to the application filed in said docket by Pacific LNG Company pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of facilities and the transportation and sale of natural gas in interstate commerce to Southern California Gas Company for resale, by which amendment Alaska California LNG Company is added as a co-sponsor of the project, one-half of the gas is proposed to be sold to Pacific Gas and Electric Company, and Pacific Alaska LNG Company and Alaska California LNG Company contemplate forming a partnership, Pacific Alaska LNG Associates, to construct and operate facilities and sell natural gas in interstate commerce, all as more fully set forth in the amendment on file with the Commission and open to public inspection.

The amendment states that on January 27, 1976, Pacific Gas and Electric Company and Pacific Lighting Corporation and its appropriate subsidiaries, including Pacific Alaska LNG Company, entered into a memorandum of understanding relative to the financial arrangements concerning equal participation by Pacific Gas and Electric Company in the project for which authorization is sought in the instant docket. It is stated that the memorandum of understanding provides that one-half of the gas made available through the project would be purchased by Pacific Gas and Electric Company and that Pacific Gas and Electric Company, through its subsidiary, Alaska California LNG Company, is now a sponsor of the project. Pacific Alaska LNG Company and Alaska California LNG Company contemplate forming Pacific Alaska LNG Associates to construct and operate the proposed facilities and to sell the natural gas in interstate commerce.

The amendment states that Western LNG Terminal Company, a joint applicant in the proceeding pending in Docket Nos. CP75-83, et al., would receive the instant Applicants' liquefied natural gas at the former's Los Angeles harbor terminal and would store and regasify the liquefied natural gas for the account of Applicants and deliver said gas to the distribution system of Southern California Gas Company for the account of Applicants. At this point, the amendment states, one-half of the gas would be sold to Southern California Gas Company and the remaining half would be sold to Pacific Gas and Electric Company. Deliveries of Pacific Gas and Electric Company's gas would be effected through existing interconnections between the systems of Southern California Gas Company and Pacific Gas and Electric Company.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before June 14, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-15904 Filed 6-1-76;8:45 am]

[Docket No. ES76-56]

UPPER PENINSULA GENERATING CO.

Application for Authorization To Issue Securities

MAY 25, 1976.

Take notice that on May 20, 1976 Upper Peninsula Generating Company (Applicant) filed an application with the Federal Power Commission seeking authority, pursuant to section 204(a) of the Federal Power Act, to issue short-term notes of an aggregate principal amount of up to $30,000,000.

The Applicant is incorporated under the laws of the State of Michigan, with its principal business office at Houghton, Michigan. The Applicant is engaged in generation of electric energy for sale to its owners, the Upper Peninsula Power Company and the Cliffs Electric Service Company.

The Applicant has proposed to issue unsecured promissory notes of a principal amount of up to $30,000,000 outstanding at any one time, payable to such bank or banks from which the Applicant may borrow, for periods not exceeding twelve months from the date of original issuance, extension or renewal. The notes will be issued on or before July 1, 1977 and will have a final maturity date not later than July 1, 1978. The interest rate on such notes will not exceed 120 percent of the prime rate in effect at the time of issue. The notes will not be subject to resale to the public.

The notes proposed to be issued would be in addition to short-term notes of an aggregate principal amount not exceeding $30,000,000 at any one time, which the Applicant may issue under a revolving credit agreement authorized by the Commission in Docket No. E-9461.

The proceeds from the sale of the notes will be used for the purchase of coal supplies through July 1, 1978.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 C.F.R. §§ 1.8, 1.10). All such petitions or protests should be filed on or before June 18, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-15902 Filed 6-1-76;8:45 am]

[Docket No. ES76-55]

UPPER PENINSULA POWER CO.

Application for Authorization to Issue Securities

MAY 25, 1976.

Take notice that on May 20, 1976 Upper Peninsula Power Company (Applicant) filed an application with the Federal Power Commission seeking authority, pursuant to section 204(a) of the Federal Power Act, to issue short-term notes of an aggregate principal amount of up to $19,500,000.

The Applicant is incorporated under the laws of the State of Michigan, with its principal business office at Houghton, Michigan. The Applicant is engaged in the electric utility business in a 4,460 square mile area in the upper peninsula of Michigan with a population of approximately 140,000.

The Applicant has proposed to issue unsecured promissory notes of a principal amount of up to $19,500,000 outstanding at any one time, payable to

such bank or banks from which the Applicant may borrow, for periods not exceeding twelve months from the date of original issuance, extension or renewal. The notes will be issued on or before June 30, 1977 and will have a final maturity date not later than June 30, 1978. The interest rate on such notes will not exceed 120% of the prevailing prime commercial rate in effect from time to time. The notes will not be subject to resale to the public.

The Proceeds from the sale of the notes will be used, pending permanent financing, to finance the continuation of the Applicant's construction program, and the purchase of coal supplies through June 30, 1977.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 18, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-15901 Filed 6-1-76;8:45 am]

FEDERAL RESERVE SYSTEM

FEDERAL OPEN MARKET COMMITTEE

Domestic Policy Directive

In accordance with § 271.5 of its rules regarding availability of information, there is set forth below the Committee's Domestic Policy Directive issued at its meeting held on April 20, 1976.[1]

The information reviewed at this meeting suggests that growth in real output of goods and services picked up in the first quarter. In March retail sales rose sharply further and recovery in industrial production continued. Gains in nonfarm employment were again widespread and the unemployment rate declined from 7.6 to 7.5 per cent. Over the first quarter wholesale prices of farm products, foods, and fuels declined appreciably, but average wholesale prices of other commodities rose almost as rapidly as during the second half of 1975. Over recent months, the advance in the index of average wage rates has moderated somewhat.

The average value of the dollar against leading foreign currencies has been relatively steady in recent weeks, while the British pound and the Italian lira have remained under considerable downward pressure. In February the U.S. foreign trade balance registered a second successive monthly deficit; reported net outflows of private capitla remained moderate.

Monetary aggregates expanded moderately in March. At commercial banks, inflows of time and savings deposits other than negotiable CD's fell substantially from the exceptional pace of February; inflows to nonbank thrift institutions remained strong. Since mid-March, both short- and long-term market interest rates have declined.

In light of the foregoing developments, it is the policy of the Federal Open Market Committee to foster financial conditions that will encourage continue economic recovery, while resisting inflationary pressures and contributing to a sustainable pattern of international transactions.

To implement this policy, while taking account of developments in domestic and international financial markets, the Committee seeks to achieve bank reserve and money market conditions consistent with moderate growth in monetary aggregates over the period ahead.

By order of the Federal Open Market Committee, May 24, 1976.

ARTHUR L. BROIDA,
Secretary.

[FR Doc.76-15990 Filed 6-1-76;8:45 am]

[1] The Record of Policy Actions of the Committee for the meeting of April 20, 1976 is filed as part of the original document. Copies are available on request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

THE COMMISSION OF FINE ARTS

MEETING

MAY 28, 1976.

There will be a meeting of the Commission of Fine Arts on Wednesday, June 16, 1976, at 10:00 a.m. in the Commission offices at 708 Jackson Place, N.W., Washington, D.C. 20006 to discuss various projects affecting the appearance of the city of Washington, D.C. The meeting is open to the public; inquiries regarding the agenda or requests to submit written or oral statements should be addressed to Charles H. Atherton, Secretary, Commission of Fine Arts, at the above address.

CHARLES H. ATHERTON,
Secretary.

[FR Doc.76-16036 Filed 6-1-76;8:45 am]

GENERAL SERVICES ADMINISTRATION

REGIONAL PUBLIC ADVISORY PANEL ON ARCHITECTURAL AND ENGINEERING SERVICES

Meeting

Pursuant to P.L. 92-463, notice is hereby given of a meeting of the Regional Public Advisory Panel on Architectural and Engineering Services, Region 10, June 18, 1976, from 8:30 a.m. to 3:00 p.m., Room 1033, GSA Regional Headquarters Building, Auburn, Washington. The meeting will be concerned with the review of the conceptual design for the Courthouse, Federal Building and Parking Facility, Anchorage, Alaska. Frank and open critical analysis of the proposed design is essential to ensure that the design approach produces the best possible design solution. Accordingly, pursuant to a determination that it will be concerned with a matter listed in 5 U.S.C. 552(b)(5) the meeting will not be open to the public."

Dated: May 24, 1976.

DAVID L. HEAD,
Regional Administrator.

[FR Doc.76-15936 Filed 6-1-76;8:45 am]

[Temp. Reg. F-389]

FEDERAL PROPERTY MANAGEMENT REGULATIONS

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Administrator, Energy Research and Development Administration, to represent the consumer interests of the executive agencies of the Federal Government in intrastate gas rate proceedings.

2. *Effective date.* This regulation is effective immediately.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Administrator, Energy Research and Development Administration, to represent the consumer interests of the executive agencies of the Federal Government before the New Mexico Public Service Commission involving the application of the Southern Union Gas Company for increases in its intrastate rates and charges (Docket No. 1280).

b. The Administrator, Energy Research and Development Administration, may redelegate this authority to any officer, official, or employee of the Energy Research and Development Administration.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

TERRY CHAMBERS,
Acting Administrator of General Services.

MAY 24, 1976.

[FR Doc.76-15887 Filed 6-1-76;8:45 am]

SMALL BUSINESS ADMINISTRATION

[License No. 05/05-0107]

CERTIFIED GROCERS INVESTMENT CORP.

Issuance of a Small Business Investment Company License

On September 23, 1975, a notice was published in the FEDERAL REGISTER (40 F.R. 43784) stating that an application had been filed by Certified Grocers Investment Corporation, 4800 South Central Avenue, Chicago, Illinois 60638 with the Small Business Administration

(SBA) pursuant to Section 107.102 of the Regulations governing small business investment companies (13 CFR 107.102 (1975)) for a license as a small business investment company.

Interested parties were given until close of business October 6, 1975, to submit their comments to SBA. No comments were received. Issuance of the license was delayed until such time as Certified Grocers Investment Corporation was capitalized. SBA was informed by letter, dated May 3, 1976, that the capitalization was accomplished.

Notice is hereby given that, pursuant to section 301(c) of the Small Business Investment Act of 1958, as amended, after having considered the application and all other pertinent information, SBA issued License No. 05/05-0107 on May 17, 1976, to Certified Grocers Investment Corporation to operate as a small business investment company.

(Catalog of Federal Domestic Assistance Program No. 59.011 Small Business Investment Companies)

Dated: May 24, 1976.

JAMES THOMAS PHELAN,
Deputy Associate Administrator for Investment.

[FR Doc.76-15894 Filed 6-1-76;8:45 am]

[Declaration of Disaster Loan Area 1245]

CONNECTICUT

Declaration of Disaster Area

An area located in the industrial complex of the Cambridge Street area, City of Meriden, Connecticut, constitutes a disaster area because of damage resulting from fire which occurred on April 27, 1976.

Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on July 19, 1976, and for economic injury until the close of business on February 21, 1977 at:

Small Business Administration, District Office, 450 Main Street, Hartford, Connecticut 06103.

or other locally announced locations.

Dated: May 20, 1976.

LOUIS F. LAUN,
Deputy Administrator.

[FR Doc.76-15895 Filed 6-1-76;8:45 am]

[Declaration of Disaster Loan Area #1244]

MICHIGAN

Declaration of Disaster Area

Bay County and adjacent counties within the State of Michigan constitute a disaster area because of damage resulting from flooding and high winds which occurred on April 25, 1976. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on July 15, 1976, and for economic injury until the close of business on February 14, 1977, at:

Small Business Administration, District Office, 1249 Washington Boulevard, Detroit, Michigan 48226.

or other locally announced locations.

Dated: May 14, 1976.

LOUIS F. LAUN,
Acting Administrator.

[FR Doc.76-15896 Filed 6-1-76;8:45 am]

[Declaration of Disaster Loan Area #1228; Amdt. 2]

NEBRASKA

Declaration of Disaster Loan Area

The above numbered Declaration (See 41 F.R. 16619 and 41 F.R. 19387) is amended by adding Kearney, Madison, Saunders, and adjacent counties within the State of Nebraska. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on June 28, 1976, and for economic injury until the close of business on January 28, 1977.

Dated: May 7, 1976.

LOUIS F. LAUN,
Acting Administrator.

[FR Doc.76-15897 Filed 6-1-76;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 60]

ASSIGNMENT OF HEARINGS

MAY 27, 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 59135 (Sub 32), Red Star Express Lines of Auburn, Inc., dba Red Star Express Lines now being assigned September 13, 1976 (1 week) at Montpelier, Vermont in a hearing room to be later designated.

MC 136343, Sub 65, Milton Transportation, Inc. now being assigned July 13, 1976 (1 day), at Columbus, Ohio, in a hearing room to be later designated.

MC 141713, Vince Venuti, dba Vince's Service Center now being assigned July 21, 1976 (3 days) at New Orleans, Louisiana in a hearing room to be later designated.

MC-C 8884, Centroport Drayage, Inc., Westwind Africa Line Limited and Southern Star Shipping Co., Inc.—Investigation of Operations now being assigned July 26, 1976 (2 days) at New Orleans, Louisiana in a hearing room to be later designated.

MC 95540 (Sub 941), Watkins Motor Lines, Inc. now being assigned July 28, 1976 (3 days) at New Orleans, Louisiana in a hearing room to be later designated.

AB 98 Sub 1, Claremont and Concord Railway Company, Inc., Abandonment between Claremont and Newport, in Sullivan County, New Hampshire, now being assigned September 8, 1976 (3 days), at Newport, New Hampshire, in a hearing room to be later designated.

MC-F 12607, Barrieau Express, Incorporated—Purchase—Trans World Van Lines, Inc., and MC 8028 Sub 3, Barrieau Express, Inc., now being assigned September 13, 1976 (5 days), in a hearing room to be later designated.

No. 36340, The Salt River Project Agricultural Improvement and Power District v. The Atchison, Topeka and Santa Fe Railway Company now being assigned September 14, 1976 (4 days) at Phoenix, Arizona in a hearing room to be later designated.

MC-F 12650, General Transportation, Inc.—Control and Merger—FOPA Transport, Inc. and MC 116457 (Sub 15), General Transportation, Inc. now being assigned September 20, 1976 (2 weeks) at Phoenix, Arizona in a hearing room to be later designated.

MC-19227 Sub 223, Leonard Bros. Trucking Co., Inc., now being assigned September 24, 1976 (1 day), at Dallas, Texas, in a hearing room to be later designated.

MC 105881 (Sub-No. 50), M. R. & R. Trucking Company, MC 109533 (Sub-No. 67), Overnite Transportation Company and MC 113528 (Sub-No. 26), Mercury Freight Lines, Inc., now being assigned for continued hearing on June 17, 1976 (2 days), at 9:30 a.m. Local Time, at the Howard Johnson's Motor Lodge, West 401 Veterans Memorial Boulevard, Metairie (New Orleans), La. and June 21, 1976 (1 week), at 9:30 a.m. Local Time, at the Red Carpet Inn, 7611 Katy Freeway, Houston, Texas.

MC-C 8733, Cango Corporation, McNair Transport, Inc., Robertson Tank Lines, Inc., Chemical Leaman Tank Line, Inc., Groendyke Transport Inc., and Western Commercial Transport, Inc.—Investigation and Revocation of Certificates, now being assigned September 21, 1976 (3 days), at Dallas, Texas, in a hearing room to be later designated.

MC 111729 Sub 565, Purolator Courier Corp., now being assigned September 27, 1976 (4½ days), at New Orleans, La., in a hearing room to be later designated.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-15997 Filed 6-1-76;8:45 am]

[Exemption No. 63; Amdt. No. 11]

BESSEMER AND LAKE ERIE RAILROAD CO. AND CONSOLIDATED RAIL CORP.

Exemption Under Mandatory Car Service Rules

Upon further consideration of Exemption No. 63 issued February 12, 1974.

It is ordered, That, under authority vested in me by Car Service Rule 19, Exemption No. 63 to the Mandatory Car Service Rules ordered in Ex Parte No. 241 be, and it is hereby, amended to expire August 31, 1976.

This amendment shall become effective May 31, 1976.

Issued at Washington, D.C., May 24, 1976.

INTERSTATE COMMERCE COMMISSION,
LEWIS R. TEEPLE,
Agent.

[FR Doc.76-15994 Filed 6-1-76;8:45 am]

[Order No. 170; under Revised Service Order No. 994]

CHESAPEAKE AND OHIO RAILWAY CO.

Rerouting Traffic

In the opinion of Lewis R. Teeple, Agent, The Chesapeake and Ohio Railway Company is unable to transport through traffic over its line between Chicago, Illinois, and Detroit, Michigan, via Grand Rapids, Michigan, because of a derailment.

It is ordered, That: (a) *Rerouting traffic.* The Chesapeake and Ohio Railway Company, being unable to transport through traffic over its line between Chicago, Illinois, and Detroit, Michigan, via Grand Rapids, Michigan, because of a derailment, is hereby authorized to divert or reroute such traffic over any available route to expedite the movement.

(b) *Concurrence of receiving road to be obtained.* The Chesapeake and Ohio Railway Company, in rerouting cars in accordance with this order, shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted, before the rerouting or diversion is ordered.

(c) *Notification to shippers.* The Chesapeake and Ohio Railway Company, when rerouting cars in accordance with this order, shall notify each shipper at the time each shipment is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic is deemed to be due to carrier disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) *Effective date.* This order shall be effective at 4 p.m., May 24, 1976.

(g) *Expiration date.* This order shall expire at 11:59 p.m., May 25, 1976, unless otherwise modified, changed or suspended.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as Agent of all railroads, subscribing to the car service and car hire agreement under the terms of that agreement; and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., May 24, 1976.

INTERSTATE COMMERCE COMMISSION,
LEWIS R. TEEPLE,
Agent.

[FR Doc.76-15998 Filed 6-1-76;8:45 am]

[Exemption No. 94; Amdt. No. 7]

THE DETROIT, TOLEDO AND IRONTON RAILROAD CO. AND CONSOLIDATED RAIL CORP.

Exemption Under Mandatory Car Service Rules

Upon further consideration of Exemption No. 94 issued February 5, 1975.

It is ordered, That, under the authority vested in me by Car Service Rule 19, Exemption No. 94 to the Mandatory Car Service Rules ordered in Ex Parte No. 241, be, and it is hereby amended to expire August 31, 1976.

This amendment shall become effective May 31, 1976.

Issued at Washington, D.C., May 24, 1976.

INTERSTATE COMMERCE COMMISSION,
LEWIS R. TEEPLE,
Agent.

[FR Doc.76-15993 Filed 6-1-76;8:45 am]

[Order No. 169 under revised Service Order No. 994]

MIDDLETOWN AND HUMMELSTOWN RAILROAD CO.

Rerouting Traffic

In the opinion of Lewis R. Teeple, Agent, the Middletown and Hummelstown Railroad Company is unable to transport traffic over portions of its Gettysburg and Harrisburg and Frackville branches, formerly operated by the Reading Company, because of track damage caused by flooding.

It is ordered, That: (a) The Middletown and Hummelstown Railroad Company being unable to transport traffic over its line and the Consolidated Rail Corporation being unable to transport traffic over portions of its Gettysburg and Harrisburg, and Frackville branches, because of track damage, these carriers are hereby authorized to reroute or divert such taffic via any available route to expedite the movement. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) *Concurrence of receiving roads to be obtained.* The railroads desiring to divert or reroute traffic under this order shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted, before the rerouting or diversion is ordered.

(c) *Notification to shippers.* Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic is deemed to be due to carriers' disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exists between them with reference to the divisions of the rates of transportation applicable to said traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date. This order shall become effective at 1 p.m., May 18, 1976.

(g) Expiration date. This order shall expire at 11:59 p.m., July 31, 1976, unless otherwise modified, changed, or suspended.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., May 18, 1976.

INTERSTATE COMMERCE COMMISSION,
LEWIS R. TEEPLE,
Agent.

[FR Doc.76-15596 Filed 6-1-76;8:45 am]

[Service Order No. 1243; Modification No. 1]

CERTAIN POINTS WEST

Exemption Under Mandatory Car Service Rules

Pursuant to the authority vested in me by section (b) of Service Order No. 1243, trailers REAZ 700000-709999, located west of Minneapolis, Minnesota, Omaha, Nebraska, Kansas City, Missouri, Ft. Worth, Texas, and Houston, Texas, but not including those points, are exempt from the provisions of Service Order No. 1243.

Effective May 21, 1976.

Issued at Washington, D.C., May 21, 1976.

INTERSTATE COMMERCE COMMISSION,
LEWIS R. TEEPLE,
Acting Director.

[FR Doc.76-15995 Filed 6-1-76;8:45 am]

[Notice No. 67]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MAY 26, 1976.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the I.C.C. Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 11207 (Sub-No. 371TA), filed May 13, 1976. Applicant: DEATON, INC., P.O. Box 938, Birmingham, Ala. 35201. Applicant's representative: G. E. Tickle (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing materials, composition shingles, rolled roofing, roofing compounds and accessories*, from the plantsite and storage facilities of Elk Corporation, located at or near Stephens and Camden, Ark., to points in Alabama, Georgia, Illinois, Indiana, Kentucky, Louisiana, Mississippi, Missouri, Oklahoma, Tennessee, and Texas, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Elk Corporation, P.O. Box 37, Stephens, Ark. 71764. Send protests to: Clifford W. White, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 1616, 2121 Building, Birmingham, Ala. 35203.

No. MC 20916 (Sub-No. 19TA), filed May 14, 1976. Applicant: JOHN T. SISK, Route 2, Box 182-B, Culpeper, Va. 22701. Applicant's representative: John T. Sisk (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber byproducts*, from facilities of Everett Jones Lumber Corp., at Spotsylvania, Va., to points in Virginia, Maryland, Pennsylvania, New Jersey, New York, Ohio, Tennessee, West Virginia, North Carolina, and the District of Columbia, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Everett Jones Lumber Corp., Route 5, Box 465, Spotsylvania, Va. 22553. Send protests to: Interstate Commerce Commission, 12th & Constitution Avenue, NW., Room B-317, W. C. Hersman, District Supervisor, Washington, D.C.

No. MC 106433 (Sub-No. 9TA) (Correction), filed April 5, 1976, published in the FEDERAL REGISTER issue of April 16, 1976, and republished as corrected this issue. Applicant: ANTRIM TRANSPORTATION CO., INC., 7-11 Suffern Place, Suffern, N.Y. 10901. Applicant's representative: John L. Alfano, 550 Manaroneck Avenue, Harrison, N.Y. 10528. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages (beer) and related advertising materials*, from South Volney, N.Y., to points in Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont; and (2) *Returned empty malt beverage containers*, from points in Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont, to Volney, N.Y., for 180 days. Supporting shipper: Miller Brewing Company, Edward P. Gevrts, Assistant Corporate Traffic Manager, Operations, 4000 West State St., Milwaukee, Wis. 53208. Send protests to: Stephen P. Tomany, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, Room 1807, New York, N.Y. 10007.

NOTE.—The purpose of this correction is to indicate applicant's request for service to points in New Jersey, New York, Pennsylvania, and Rhode Island in Part (1) above.

No. MC 48213 (Sub-No. 44TA), filed May 13, 1976. Applicant: C. E. LIZZA, INC., P.O. Box 447, Latrobe, Pa. 15601. Applicant's representative: William A. Gray, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wall covering and equipment, materials, and supplies used* in the manufacture and distribution thereof (except commodities in bulk), between Hazel Township and Pittston Township (Luzerne County), Pa., on the one hand, and, on the other, Ringwood, N.J., under a continuing contract with American Cyanamid Company, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Standard Coated Products (Dept., American Cyanamid Company, Wayne, N.H. 07470. Send protests to: Richard C. Gobbell, District Supervisor, Interstate Commerce Commission, 2111 Federal Bldg., 1000 Liberty Ave., Pittsburgh, Pa. 15222.

No. MC 105886 (Sub-No. 20TA), filed May 13, 1976. Applicant: MARTIN TRUCKING, INC., East Poland Avenue, P.O. Box 67, Bessemer, Pa. 16112. Applicant's representative: William J. Lavelle, 3210 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime*, in dump vehicles, from Kimballton, Va., to Aliquippa and Shippingport, Pa., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Dravo Corp., 4800 Grand Avenue (Neville Island), Pittsburgh, Pa. 15225. Send protests to: John J. England, District Supervisor, Interstate Commerce Commission, 211 Federal Bldg., 1000 Liberty Ave., Pittsburgh, Pa. 15222.

No. MC 113666 (Sub-No. 104TA), filed May 14, 1976. Applicant: FREEPORT TRANSPORT, INC., 1200 Butler Road, Freeport, Pa. 16229. Applicant's representative: Mr. Don L. Smetanick (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural pesticides*, from Muskegon, Maine, to Greeley, Colo.; Mendota, Ill., Albert Lea, Minn.; St. Joseph and St. Louis, Mo., Fremont and Omaha, Nebr., and Randolph, Wis., for 180 days. Applicant has also filed underlying ETA seeking up to 90 days of operating authority. Supporting shipper: American Cyanamid Company, Agricultural Division, P.O. Box 400, Princeton, N.J. 08540. Send protests to: Mr. John J. England, District Supervisor, Interstate Commerce Commission, 2111 Federal Bldg., 1000 Liberty Ave., Pittsburgh, Pa. 15222.

No. MC 114045 (Sub-No. 435TA), filed May 14, 1976. Applicant: TRANS-COLD EXPRESS, INC., Finley & Belt Line Rd., P.O. Box 5842, Dallas, Tex. 75240. Applicant's representative: J. B. Stuart, P.O. Box 61228 D/FW Airport, Tex. 75261. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum* and *petroleum products*, from Philadelphia, Pa., Commercial Zone, to points in Louisiana and Texas, for 180 days. Supporting shipper: Sun Oil Company of Pennsylvania, 1608 Walnut Street, Philadelphia, Pa. 19103. Send protests to: Opal M. Jones, Transportation Assistant, Interstate Commerce Commission, 1100 Commerce Street, Room 13012. Dallas, Tex. 75242.

No. MC 115162 (Sub-No. 325TA), filed May 13, 1976. Applicant: POOLE TRUCK LINE, INC., Post Office Drawer 500, Evergreen, Ala. 36401. Applicant's representative: Robert E. Tate (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building, wall, or insulating boards*

and ceiling tile, and materials and supplies used in the installation of building, wall, insulation boards of ceiling tile, between the plantsite and facilities utilized by the Armstrong Cork Company at or near Macon, Ga., on the one hand, and, on the other, points in the United States in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Armstrong Cork Company, Lancaster, Pa. 17604. Send protests to: Clifford W. White, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 1616, 2121 Building, Birmingham, Ala. 35203.

No. MC 116073 (Sub-No. 321TA), filed May 17, 1976. Applicant: BARRETT MOBILE TRANSPORT, INC., 1825 Main Avenue, P.O. Box 919, Moorhead, Minn. 56560. Applicant's representatilve: John C. Barrett (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobile, in initial movement, and *buildings*, from Elkhart and Lagrange Counties, Ind., to points in the United States, including Alaska, for 180 days. Supporting shippers: Skyline Corporation, 2520 By Pass Road, Elkhart, Ind. 46514. Coachmen Industries, Inc., P.O. Box 30, Middlebury, Ind. 46540, Concord- Champion Home Builders, Co., 2103 W. Mishawaka Rd., Elkhart, Ind. 46514. Send protests to: J. H. Ambs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 2340, Fargo, N. Dak. 58102.

No. MC 116073 (Sub-No. 322TA), filed May 14, 1976. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., 1825 Main Avenue, Moorhead, Minn. 56560. Applicant's representative: Norman M. Eide (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, from Redwood Falls, Minn., to points in Iowa, the Upper Peninsula of Michigan, North Dakota, South Dakota, and Wisconsin, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Schult Mobile Home Corp., 201 Industrial Drive, Box 399, Redwood Falls, Minn. 56283. Send protests to: J. H. Ambs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 2340, Fargo, N. Dak. 58102.

No. MC 117119 (Sub-No. 581TA), filed May 14, 1976. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. Mclean (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by retail department stores (except in bulk), from the facilities of Wesmor Shipping, Inc., at Secaucus, N.J., to the warehouse facilities of Dillard Department Stores, Inc., at Little Rock, Ark., for 180 days. Supporting shipper: Dillard Department Stores, Inc., 1801 E. Roosevelt Road, Little Rock, Ark. 72206. Send protests to: District Supervisor William H. Land, Jr., 3108 Federal Office Building, 700 West Capitol, Little Rock, Ark. 72201.

No. MC 118142 (Sub-No. 126TA), filed May 11, 1976. Applicant: M. BRUENGER & CO. INC., 6250 North Broadway, Wichita, Kans. 67219. Applicant's representative: Paul L. Thomas, 814 Century Plaza Bldg., Wichta, Kans. 67202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt with in wholesale, retail, and chain grocery and food business houses, and in connection therewith *materials and supplies* used in the conduct of such business, moving in temperature controlled equipment, from Topeka, Kans., to Fremont and Compton, Calif., restricted to traffic originating at the plant and warehouse facilities of The Fleming Company, Topeaka, Kans., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: The Fleming Packaging Division of The Fleming Company, Box 638, Topeka, Kans. 66601.

No. MC 121739 (Sub-No. 2TA), filed May 13, 1976. Applicant: BURK MOTOR FREIGHT, INC., 512 Magnolia St., Burkburnett, Tex. 76354. Applicant's representative: T. M. Brown, 223 Ciudad Building, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except Class A & B explosives, articles of unusual value, those requiring special equipment, and commodities in bulk), between Wichita Falls, Tex., and Frederick, Okla.; from Wichita Falls, Tex., over U.S. Highway 277 to junction U.S. Highway 79, thence over U.S. Highway 79 to junction U.S. Highway 183, thence over U.S. Highway 183 to Frederick, Okla., and return over the same route serving all intermediate points, for 180 days. Supporting shippers: There are approximately 17 statements of support attached to the application which may be examined at the Interstate Commerce Commission, in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Dist. Supv. H. C. Morrison, Sr., Rm 9A27, Federal Bldg., 819 Taylor St., Forth Worth, Tex. 76102.

No. MC 123885 (Sub-No. 22TA), filed May 14, 1976. Applicant: C & R TRANSFER CO., P.O. Box 1010, 5200 Susan Drive, Rapid City, S. Dak. 57701. Applicant's representative: James W. Olson, 821 Columbus, Rapid City, S. Dak. 57701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mobile home truss rafters*, from Sioux Falls, S. Dak., to Hutchinson, Kans., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Sunrise Manufacturing, 1105 North Cliff, Sioux Falls, S. Dak. 57101, Floyd Reaves, President, J. L. Hammon, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 369, Federal Building, Pierre, S. Dak. 57510.

No. MC 125555 (Sub-No. 42TA), filed May 14, 1976. Applicant: UNIVERSAL TRANSPORT, INC., P.O. Box 3000, Deadwood Avenue, Rapid City, S. Dak. 57701. Applicant's representative: Barry C. Burnette (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fly ash*, in bulk, from points in Wyoming, to points in Nebraska and South Dakota, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Pozzolin Products, Inc., Rt. 6, Box 464L, Rapid City, South Dakota, Pete Birrenkott, President. Send protests to: J. L. Hammond, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 369, Federal Building, Pierre, S. Dak. 57501.

No. MC 124306 (Sub-No. 23TA), filed May 14, 1976. Applicant: KENAN TRANSPORT COMPANY, INCORPORATED, P.O. Box 2729, Chapel Hill, N.C. 27514. Applicant's representative: Francis W. McInerny, 1000 16th St., N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry Terephthalic acid*, in bulk, from the plantsite of E. I. duPont de Nemours (Cape Fear Plant) near Phoenix, N.C., to Old Hickory, Tenn., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: E. I. duPont de Nemours & Co., 1007 Market St., Wilmington, Del. 19898. Send protests to: Archie W. Andrews, District Supervisor, Bureau of Operations, ICC., Raleigh, N.C. 27611.

No. MC 128375 (Sub-No. 144TA), filed May 14, 1976. Applicant: CRETE CARRIER CORPORATION, Box 81228, Lincoln, Nebr. 68501. Applicant's representative: Ken Adams (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicle parts, equipment and accessories, and materials*, and *supplies* used in the production and distribution of motor vehicle parts and accessories (except in bulk), (1) between Bayonne, N.J. and its commercial zone, on the one hand, and on the other, points in Georgia; (2) between Lawrenceburg, Tenn., and its commercial zone, on the one hand, and on the other, points in Illinois, under a continuing contract with Maremont Corporation, for 180 days. Supporting shipper: Arthur L. Comeau, General Traffic Manager, Maremont Corporation, 200 East Randolph Drive, Chicago, Ill., 60601. Send protests to: Max H. Johnston, District Supervisor, 285 Federal Building & Court House, 100 Centennial Mall North, Lincoln, Nebr. 68508.

No. MC 128831 (Sub-No. 10TA), filed May 13, 1976. Applicant: DIXON RAPID

TRANSFER, INC., Rt. 65 East, Mt. Morris, Ill. 61054. Applicant's representative: Robert H. Levy, 29 S. La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe and duct* used in heating, cooling, A/C and exhaust system, *materials and supplies* used in the installation thereof and *building construction wall sections and accessories* and *parts* used in the installation thereof, from the plant site of United Sheet Metal Division of McGill Corp. at Westerville, Ohio, to points in Massachusetts, Michigan, Missouri, New Jersey, New York, and Virginia, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: United Sheet Metal, Harry L. Keebaugh, Traffic Manager, 200 E. Broadway, Westerville, Ohio 43081. Send protests to: Transportation Assistant Patricia A. Roscor, Everett McKinley Dirksen Building, 19 S. Dearborn Street, Room 1386, Chicago, Ill. 60604.

No. MC 134035 (Sub-No. 17TA), filed April 26, 1976. Applicant: DOUGLAS TRUCKING COMPANY, INC., 5611 East Imperial Highway, South Gate, Calif. 90380. Applicant's representative: Don Garrison, P.O. Box 657, Haines City, Fla. 33844, (813) 324–6777. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fasteners, nuts, bolts, plastic and metal*, from Compton, Calif., to Dallas, Tex., and Atlanta, Ga., restricted to the transportation of traffic originating at the plantsite and warehouse facilities of VSI, Incorporated, Compton, Calif., for 180 days. Supporting shipper: VSI, Incorporated, 3064 Maria Street, Compton, Calif. Send protests to: District Supervisor Walter W. Strakosch, Interstate Commerce Commission, Room 1321 Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 134922 (Sub-No. 171TA), filed May 17, 1976. Applicant: B. J. McADAMS, INC., Route 6, Box 15, North Little Rock, Ark. 72118. Applicant's representative: Bob McAdams (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tomato paste* (except in bulk) from Nogales, Ariz., to Atlanta, Ga., Baltimore, Md., Washington, D.C., Chicago, Ill., Cleveland, Ohio, Denver, Colo., Detroit, Mich., Houston, Tex., Indianapolis, Ind., Milwaukee, Wis., New Orleans, La., New York City, N.Y., Oklahoma City, Okla., Philadelphia, Pa., Pittsburgh, Pa., and St. Louis, Mo., for 180 days. Supporting shipper: Sun Foods, Inc., 1205 Grand Avenue, Nogales, Ariz. 85621. Send protests to: District Supervisor William H. Land, Jr., 3108 Federal Office Building, 700 West Capitol, Little Rock, Ark. 72202.

No. MC 139312 (Sub-No. 3 TA), filed May 10, 1976. Applicant: JOE H. TIDWELL doing business as P.O. Box 826, Pharr, Tex. 7877. Applicant's representative: Thomas R. Kingsley, 1819 H Street, N.W., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used clothing, used rags and used burlap*, from points in Iowa, Nebraska, Missouri, Kansas, Pennsylvania, Oklahoma, Kentucky North Carolina, South Carolina, Georgia, Michigan, Florida, Alabama, Tennessee, Louisiana, Maryland, Ohio, Illinois and Wisconsin, to Nogales, Ariz., McAllen, Tex., and ports of entry on the United States-Mexico Boundary line in Texas, for 180 days. Applicant has also filed underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Johnson Waste Materials, Inc. 2809 Boca Chica Bldg., Brownsville, Tex. 78520. Send protests to: Richard H. Dawkins, District Supervisor, Interstate Commerce Commission, Room B–400 Federal Building, San Antonio, Tex. 78206.

No. MC 142031 (Sub-No. 1 TA), filed May 13, 1976. Applicant: P & L CUSTON HAY, INC., P.O. Box 453, Tacna, Ariz. 85352. Applicant's representative: George S. Livermore, 2701 East Camelback, Suite 100, Phoenix, Ariz. 85016. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Beet pulp* from Brawley, Calif., to Wellton, Ariz., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: McElhaney Cattle Company, P.O. Box 277, Wellton, Ariz. 85356. Send protests to: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, Room 3427 Federal Building 230 N. First Avenue Phoenix, Ariz. 85025.

No. MC 142050 (Sub-No. 1 TA), filed May 12, 1976. Applicant: ROBERT S. LINK, doing business as LINK TRUCK SERVICE, Walsh, Ill. 62297. Applicant's representative: Robert T. Lawley, 300 Reishch Bldg., Springfield, Ill. 62701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand, stone and gravel*, in bulk, from points in Perry County, Mo., to points in Perry and Randolph Counties, Ill., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Richard Hurst, President, Perry County Stone Co., Rt 3 Perryville, Mo. 63775. Send protests to: Harold C. Jollif, District Supervisor, Interstate Commerce Commission, P.O. Box 2418, Springfield, Ill. 62705.

No. MC 142058 (Sub-No. 1TA), filed May 18, 1976. Applicant: C. R. R. DELIVERY, SERVICE, INC., 368 West 17th Street, Hialeah, Fla. 33101. Applicant's representative: John P. Bond, 2766 Douglas Road, Miami, Fla. 33133. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities in bulk; Class A and B explosives; household goods; livestock; commodities requiring refrigeration), between points in Dade County, Fla., restricted to shipments having a prior or subsequent movement by water, for 180 days. Supporting shippers: Universal Transcontinental Corp., 7200 N.W. 55th Street, Miami, Fla. World Wide Air Marine Freight Forwarders, Bldg. 2140, Miami International Airport Drive, Miami, Fla., Independent Forwarding Service, Inc. Bldg. 2134 Miad, Miami International Airport Drive, Miami, Fla. Bensons Forwarding Service, Bldg. 2140, Miami International Airport Drive, Miami, Fla. Penson Forwarding Service, Bldg. 2140, Miami International Airport Drive, Miami, Fla. B. F. Mathews Co., Inc., Bldg., 2140, Miami International Airport Drive, Miami, Fla. Send protests to: District Supervisor, Joseph B. Teichert, Interstate Commerce Commission, Bureau of Operations, Monterey Building, Suite 101, 8410 N.W. 53rd Terrace, Miami, Fla. 33166.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76–15999 Filed 6–1–76;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

BUY AMERICAN ACT

Proposed Guidelines

Notice is hereby given that the Office of Federal Procurement Policy (OFPP), Office of Management and Budget (OMB), is considering promulgating the following guidelines regarding exceptions to the Buy American Act, pursuant to the authority of Public Law 93–400, 41 U.S.C. 401.

OFPP research of foreign procurement by Federal agencies has disclosed, among other considerations, that the Federal agencies vary significantly in their implmentation of two of the four exceptions to the Buy American Act, namely: unreasonable cost and inconsistency with the public interest.

In general, the guidelines:

1. Describe the differences in interpretation and application currently practiced by the executive agencies.

2. Prescribe uniformity by stipulating a separate statutory identity for each exception; limiting the application of price differential formulae only to determinations of unreasonable cost and then only to end product acquisitions; and requiring, when requested, the cooperative application of determinations of inconsistency with the public interest.

TO THE HEADS OF EXECUTIVE DEPARTMENTS AND ESTABLISHMENTS

GUIDELINES FOR EXCEPTIONS TO THE BUY AMERICAN ACT

The Buy American Act requires, as a general rule, that only domestic articles, materials, and supplies will be acquired for public use within the United States. The Act provides four exceptions to this rule: procurement for use overseas, nonavailability, unreasonable cost, and inconsistency with the public interest. The latter two are being interpreted and applied differently by Federal agencies. The purpose of these guidelines is to obtain uniform application of these exceptions.

Some agencies require that the price differential formulae for determining unreasonable cost be applied to both prime and subcontracts, although others apply these formulae only in evaluating bids or offers for prime contracts. Also, some agencies apply the price differential formulae as a part of their determination of inconsistency with the public interest, but other agencies make these determinations independent of unreasonable cost considerations.

The unreasonable cost exception authorizes procurement of foreign source items if the cost of the competing domestic items is determined to be unreasonable. Determination of "unreasonable cost" is made by application of price differential formulae at the time of bid evaluation. The public interest exception authorizes procurement of foreign source items if the purchase of domestic items is determined to be inconsistent with the public interest.

The Act distinguishes between unreasonable cost and inconsistency with the public interest. Each exception has a distinctly separate statutory basis for authorizing foreign-origin acquisitions. The use of prescribed price differentials represents a proper and logical approach to determining unreasonableness of cost. Such formulae are consistent with the intent of Executive Order No. 10582, which was issued essentially to establish Government-wide guidelines for unreasonable cost determinations. These formulae, however, are not relevant to determinations of inconsistency with the public interest. Rather, such determinations reflect a broader and entirely separate basis for foreign purchases.

Price differential formulae established for bid evaluation purposes, therefore, shall only be used to determine unreasonableness of cost. In no event shall these formulae be used to preempt or to obviate separate application of the public interest exception. In addition, prime contractors shall not be required to apply these formulae in evaluating subcontractor bids/proposals offering foreign-origin components. Instead, prime contractor compliance with the Act shall be achieved by assuring delivery of domestic end products; such assurance is to be determined by a comparison of the foreign and domestic components involved.

One common form of public interest determination is a commitment of the U.S. Government to respect and fulfill international interests and obligations. Such determinations accomplished by the head of one agency are not binding by themselves upon any other agency; however, they do represent a national objective to be considered by all executive agencies. Therefore, a written request from one agency for cooperation in fulfilling a commitment to make agreed quantities of foreign purchases in the public interest shall be given favorable consideration by other agencies, and should be honored unless otherwise dictated by compelling circumstances also considered to be in the public interest. Each agency shall make its own determinations of public interest after full consideration of all pertinent factors.

Any executive agency making a commitment to make foreign purchases should advise General Services Administration (GSA) and Department of Defense (DOD) of that commitment, so that both GSA and DOD can, in turn, advise Federal Procurement Regulations (FPR) and Armed Services Procurement Regulation (ASPR) users.

The GSA and the DOD are directed to issue uniform implementation of these guidelines in the FPR and ASPR. These guidelines are rescinded upon the issuance of such implementation.

Interested persons may comment on the proposed guidelines by submitting their written views to the Administrator for Federal Procurement Policy, Office of Management and Budget, 726 Jackson Place N.W., Room 9001, Washington, D.C. 20503. Comments received by June 30, 1976 will be considered.

HUGH E. WITT,
Administrator for
Federal Procurement Policy.

[FR Doc.76-16059 Filed 6-1-76;8:45 am]

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on May 26, 1976 (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 through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202-395-4529), or from the reviewer listed.

NEW FORMS

AMERICAN REVOLUTION BICENTENNIAL ADMINISTRATION

1976 National Travel Survey: Quarterly, U.S. households, Maria Gonzalez, 395-6132.

DEPARTMENT OF THE TREASURY

Departmental and Other Procedures Followed in Auditing Federal Grant Programs: single-time, State auditors, Budget Review Division, Lowry, R. L., 395-4775.

REVISIONS

DEPARTMENT OF DEFENSE

Department of the Army (excl. Def Civil Preparedness Agcy): Tenders of Service and Letters of Intent for Personal Property Household Goods/Unaccompanied Baggage and Mobile Homes, DD1433, on occasion, carriers of HHGS/UB and mobile homes, Lowry, R. L., 395-3772.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary:
Third Wave Survey: Vietnam Resettlement Operation Feedback, survey, OS-13-76, single-time, Vietnamese Refugees, Caywood, D.P., 395-3443.

EXTENSIONS

FEDERAL RESERVE SYSTEM

Daily Report of Dealer Transaction, MK-STA-SCH, Other (See SF-83), Primary Dealers in U.S. Government Securities, Hulett, D. T., 395-4730.

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration:
Inventory of Work Orders (by REA Electric Borrowers), REA-219, on occasion, REA Electric borrowers, Marsha Traynham, 395-4529.
Telephone System Plan (Design and Operational Information), REA-809, on occasion, consulting engrs. of REA telephone borrowers, Marsha Traynham, 395-4529.
Production Plant Estimate Work, REA-11, on occasion, REA electric borrowers, Marsha Traynham, 395-4529.
Details of General Funds, Notes and Accounts Receivable, and Notes Payable—Telephone Loan Applicants, REA 491, on occasion, applicants for REA tel. loans and REA tel. borrs., Marsh Traynham, 395-4529.

Animal and Plant Health Inspection Service:
Regulations Governing the Inspection of Poultry and Poultry Products, on occasion, Lowry, R. L., 395-3772.
Application for Agreement or Report of Inspection of Establishment Handling Restricted Animal By-Products, VS 16-25, annually, Importers of varied business types, Lowry, R. L., 395-3772.
Indemnity Claim for Animals and Materials Destroyed, VS 1-23, VS 1-23A, on occasion, livestock producers shippers, Lowry, R. L., 395-3772.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.76-16060 Filed 6-1-76;8:45 am]

NATIONAL ADVISORY COMMITTEE ON OCEANS AND ATMOSPHERE

NOTICE OF MEETING

MAY 27, 1976.

The National Advisory Committee on Oceans and Atmosphere (NACOA) will hold a two-day meeting on Monday and Tuesday, June 21-22, 1976. These sessions will be open to the public and will be held in Room 6802 of the U.S. Department of Commerce Building, 14th Street between Constitution Avenue and E Street, N.W., Washington, D.C., beginning at 9:00 a.m. on both days.

The Committee, consisting of 25 non-Federal members appointed by the President from State and local governments, industry, science and other appropriate areas was established by Congress by Public Law 92-125, on August 16, 1971, as amended. Its duties are to (1) undertake a continuing review of national ocean policy, coastal zone management

and the progress of the marine and atmospheric science and service programs of the United States, (2) submit a comprehensive annual report to the President and to the Congress setting forth an overall assessment of the status of the Nation's marine and atmospheric activities on or before 30 June of each year, and (3) advise the Secretary of Commerce with respect to the carrying out of the purpose of the National Oceanic and Atmosperic Administration.

The Agenda will include the following topics:

JUNE 21, 1976

MORNING

0900–0915.. Opening remarks.
0915–1000.. Briefing on proposed federal organization for marine affairs—Senate National Ocean Policy Study (NOPS).
1000–1200.. Review of draft of NACOA 5th annual report.

AFTERNOON

1330–1430.. Briefing on June 9–12 conference on commercial development of ocean resources.
1430–1700.. Review of draft of NACOA 5th annual report (continued).

JUNE 22, 1976

MORNING

0900–0915.. Opening remarks.
0915–1200.. Review of draft of NACOA 5th annual report (continued).

AFTERNOON

1330–1500.. Review of draft of NACOA 5th annual report (continued).

Adjournment at approximately at 3:00 p.m.

The public is welcome at these sessions and will be admitted to the extent of the seating available. Persons wishing to make formal statements should notify the Chairman in advance of the meeting. The Chairman retains the perogative to place limits on the duration of oral statements and discussions. Written statements may be submitted before or after each session.

Additional information concerning this meeting may be obtained through the Committee's Executive Director, Dr. Douglas L. Brooks, whose mailing address is: National Advisory Committee on Oceans and Atmosphere, Department of Commerce Building, Room 5225, Washington, D.C. 20230. The telephone number is 377–3343.

DOUGLAS L. BROOKS,
Executive Director.

[FR Doc.76–15989 Filed 6–1–76;8:45 am]