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federal register

TUESDAY, MAY 25, 1976

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Rules Going Into Effect Today

NOTE: There were no items eligible for inclusion in the list of RULES GOING INTO EFFECT TODAY.

List of Public Laws

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

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

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

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

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

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

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

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Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

PART 51—PREPARATION, ADOPTION, AND SUBMITTAL OF IMPLEMENTATION PLANS

Maintenance of National Ambient Air Quality Standards—Summary

Correction

In FR Doc. 76-12690 appearing in the issue for Monday, May 3, 1976, on page 18388, in § 51.12(h)(1) the following date should appear within the parentheses: "May 3, 1977)."

[FRL 546-5]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Washington; Approval of Implementation Plan Revision

● The purpose of this notice is to approve a revision to the State of Washton Implementation Plan (SIP) under section 110 of the Clean Air Act. ●

On November 6, 1975, the Governor of the State of Washington submitted a revision to § 9.05(c) of Regulation I of the Olympic Air Pollution Control Authority (APCA) as a revision to the Washington SIP.

The revision was proposed in the FEDERAL REGISTER on January 29, 1976 (41 FR 4298). No comments were received during the 30-day public comment period provided.

The revised regulation requires hog fuel boilers installed after December 3, 1969 to meet an emission limitation of 0.20 grains per standard cubic foot of gas (calculated to 12 percent carbon dioxide). It also requires that when uncombined water causes opacity in excess of 20 percent (number one on the Ringelmann Smoke Chart) the owner or operator of the source must supply valid data to show that the concentration of particulate matter is less than 0.10 grains per standard cubic foot. The presently approved regulation requires these boilers to meet an emission limitation of 0.10 grains per standard cubic foot.

The Board of Directors of the Olympic APCA stipulated, at the time they passed the revision, that it would not take effect until approved by EPA as a Plan revision.

The Administrator of EPA has carefully reviewed and evaluated the revision and has determined that it meets the requirements of 40 CFR 51.13. Implementation of the revision will not cause or contribute to a violation of the national ambient air quality standards in the Olympic—Northwest Washington Intrastate Air Quality Control Region.

An evaluation report (Rationale for Approval) prepared by EPA on the revision is available for public inspection at the Region X Office, 1200 Sixth Avenue, Seattle, Washington 98101 and the EPA Public Information Reference Unit, Room 2922, 401 M Street SW, Washington, D.C. 20460.

The approval promulgated herein is effective June 24, 1976.

(Sec. 110 of the Clean Air Act, as amended. (42 U.S.C. 1857c-5).)

Dated: May 18, 1976.

JOHN QUARLES,
Acting Administrator.

Part 52 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

Subpart WW—Washington

In § 52.2470, paragraph (c)(15) is amended by adding the following:

§ 52.2470 **Identification of plan.**

* * * * *

(c) The plan revisions listed below were submitted on the dates specified.

* * * * *

(15) Revision to § 9.05(c) of Regulation I of the Olympic Air Pollution Control Authority submitted November 6, 1975 by the Governor.

[FR Doc.76-15135 Filed 5-24-76;8:45 am]

[FRL 543-8]

PART 79—REGISTRATION OF FUELS AND FUEL ADDITIVES

Revision of Regulations

Revised regulations for the Registration of Fuels and Fuel Additives were promulgated on November 7, 1975. These provided that Additive Manufacturer Notifications for the registration of additives for motor vehicle fuels should be submitted by February 7, 1976, and that registration of such additives should be accomplished by May 7, 1976. Experience indicates (1) that many additive manufacturers did not become aware of the registration requirements in time to file notifications on schedule, and (2) that the quantity and required investigation by EPA of the components of the additives, particularly of the large number of consumer-packaged additives, were underestimated. To provide additional time for EPA to process notifications received after February 7, 1976, and to complete investigations required for registration, the date for the registration of additives is postponed two months to July 7, 1976. This change also makes it desirable to set back by two months the schedule for registration of motor vehicle gasolines, so that Fuel Manufacturer Notifications for Motor Vehicle Gasolines will not be required until July 7, 1976, and registration is to be accomplished by September 7, 1976.

In addition to changing the schedule for registration and submission of additive and motor vehicle gasoline notifications, minor changes to the wording of several other sections of the Fuel and Fuel Additive Registration regulations have been made to clarify the intent of these regulations and to make a minor modification to § 79.21(a)(2):

1. Section 79.4(b)(4) is changed to exempt a mixture sold only to fuel manufacturers consisting of one registered additive with one or more hydrocarbons, thereby making it consistent with the last sentence of § 79.5(b).

2. Section 79.21(a)(2) is changed to provide that a single percentage figure combining the percentages for carbon, hydrogen, and oxygen may be provided for engine oil additives instead of requiring individual percentages for these three elements. Additive manufacturers have indicated that the elemental analysis was not normally made, that it would be imprecise at best, and that it would be an unproductive expenditure of effort. EPA technical personnel concluded that it should not be required.

3. The definition of "motor vehicle" in the Act and the exclusion of motorcycle fuels and additives were included in § 79.32(a), relating to the registration of gasoline, but were inadvertently omitted from § 79.31(a), relating to the registration of additives. It is proposed to add these to § 79.31(a).

The Environmental Protection Agency finds that general notice of proposed rulemaking and the public procedure thereon are impracticable and unnecessary because the changes are (1) necessary to allow the Agency sixty (60) additional days to process the fuel and fuel additive registrations which are currently being processed; (2) necessary to clarify the original regulations; and (3) necessary to relieve engine oil additive manufacturers who are in the process of registering their engine oil additives from the burden of providing individual percentages for carbon, hydrogen, and oxygen in their additives. Therefore, these regulations are hereby promulgated and shall be effective immediately.

(Secs. 211 and 301(a) of the Clean Air Act, 42 U.S.C. 1857f-6c and 1857g.)

Dated: May 18, 1976.

JOHN QUARLES,
Acting Administrator.

Part 79, Chapter I of Title 40 of the Code of Federal Regulations, is amended as follows:

1. In section 79.4 paragraph (b)(4) is revised as follows:

(4) If an additive manufacturer prepares for sale only to fuel manufacturers (i) a blend or mixture of two or more registered additives or (ii) a blend or mixture of one or more registered additives with one or more substances containing only carbon and/or hydrogen, he will not be required to register such blend or mixture provided he will, upon request, furnish the Administrator with the names and percentages by weight of all components of such blend or mixture.

2. Section 79.12 is revised as follows:

Whenever the Administrator determines that a notification fails to comply with the regulations of this part, he shall within 30 days of receipt of the notification (in the case of registration prior to the date prescribed for the fuel in Subpart D, by such prescribed date) inform the noncomplying fuel manufacturer of the reasons for such determination.

3. Section 79.13(a) is revised as follows:

(a) If the provisions of this part requiring the submission of information and the giving of assurances have been complied with for a particular fuel, the Administrator shall, within 30 days of receipt of the notification (in the case of registration prior to the date prescribed for the fuel in Subpart D, by such prescribed date), register that fuel and notify the fuel manufacturer of such registration.

4. The first sentence of § 79.20 is revised as follows:

Except as provided in § 79.23(b), any manufacturer of a designated additive who wishes to have such additive registered shall notify the Administrator in accordance with § 79.21 at least 150 days prior to the date prescribed for such additive in Supart D or, after such prescribed date, at least 30 days prior to the date on which such additive manufacturer proposes to begin to sell, offer for sale, or introduce into commerce such additive. * * *

5. Section 79.21(a)(2) is revised as follows:

(2) In the case of an additive for engine oil, only the name, percentage by weight, and method of analysis of each element in the additive are required provided, however, that a percentage figure combining the percentages of carbon, hydrogen, and/or oxygen may be provided unless the breakdown into percentages for these individual elements is already known to the registrant.

6. Section 79.22 is revised as follows:

Whenever the Administrator determines that a notification fails to comply with the regulations of this part, he shall within 30 days of the receipt of the notification (in the case of registration prior to the date prescribed for the additive in Subpart D, by such prescribed date) inform the noncomplying additive manufacturer of the reasons for such determination.

7. Section 79.23(a) is revised as follows:

(a) If the provisions of this part requiring the submission of information and the giving of assurances have been complied with for a particular additive, the Administrator shall, within 30 days of receipt of the notification (in the case of registration prior to the date prescribed for the additive in Subpart D, by such prescribed date), register that additive and notify the additive manufacturer of such registration.

8. The following sentences are added to § 79.31(a):

(a) * * *. The Act defines the term "motor vehicle" to mean any self-propelled vehicle designed for transporting persons or property on a street or highway. For purposes of this registration, however, additives specifically manufactured and marketed for use in motorcycle fuels are excluded.

9. § 79.31(b) is revised as follows:

(b) All designated additives must be registered by July 7, 1976, except as provided in § 79.23(b).

10. § 79.32(b) is revised as follows:

(b) All designated motor vehicle gasolines must be registered by September 7, 1976.

[FR Doc.76-15136 Filed 5-24-76;8:45 am]

Title 38—Pensions, Bonuses, and Veterans' Relief

CHAPTER I—VETERANS ADMINISTRATION

PART 3—ADJUDICATION

Death Pension—Apportionment

On page 14907 of the FEDERAL REGISTER of April 8, 1976, there was published a notice of proposed regulatory development to amend § 3.460 which relates to apportionment of death pension benefits.

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

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

Effective date: This VA Regulation is effective May 19, 1976.

Approved: May 19, 1976.

By direction of the Administrator:

ODELL W. VAUGHN,
Deputy Administrator.

Section 3.460 is revised to read as follows:

§ 3.460 Death pension.

Death pension will be apportioned if the child or children of the deceased veteran are not in the custody of the widow or widower. Where the widow's or widower's rate is in excess of $70 monthly because of having been the wife or husband of the veteran during service or because of need for regular aid and attendance, the additional amount will be added to the widow's or widower's share.

(a) *Civil, Indian and Spanish-American wars.* Where pension is payable under 38 U.S.C. 532, 534, or 536 apportionment will be based on the facts in the individual case in accordance with § 3.451.

(b) *Mexican border period and later war periods.* Where pension is payable under 38 U.S.C. 541 (including laws in effect prior to July 1, 1960) apportionment will be at rates approved by the Chief Benefits Director except when the facts and circumstances in a case warrant special apportionment under § 3.451.

[FR Doc.76-15219 Filed 5-24-76;8:45 am]

Title 9—Animals and Animal Products

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

PART 78—BRUCELLOSIS

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

BRUCELLOSIS AREAS

Correction

In FR Doc.76-12504 appearing at page 18084 in the FEDERAL REGISTER of Friday, April 30, 1976, the following correction should be made:

On page 18086, first column, second paragraph under the heading *"Kansas"* in § 78.21(b), fifth line from the bottom, insert the county name "Rush" after "Rooks".

PART 78—BRUCELLOSIS

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

Brucellosis Areas

Correction

In FR Doc. 76-12827 appearing at page 18086 in the FEDERAL REGISTER of Friday, April 30, 1976, the following corrections should be made: On page 18087, first column, in § 78.21(b) under the heading *"Texas"*, the eleventh line from the bottom, second word should read "Rockwall". In the sixth line from the bottom the third word should read "Throckmorton".

Title 24—Housing and Urban Development

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

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-1139]

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, SW., 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 No.
*	*	*	*	*	*
Arkansas	Benton	Gravette, city of	May 17, 1976, emergency	May 2, 1975	060327
Missouri	Hickory	Weaubleau, city of	do	Jan. 31, 1976	290634
New York	Jefferson	Worth, town of	do	Jan. 17, 1975 Jan. 2, 1976	361409
Texas	Bell	Rogers, city of	do	June 27, 1975	480708
New Hampshire	Strafford	Farmington, town of	May 14, 1976, emergency	Feb. 21, 1975	330147
New York	Franklin	Altamont, town of	May 18, 1976, emergency		[1] 361584
Do	Chautauqua	Arkwright, town of	do	Oct. 18, 1974	361105
Pennsylvania	Blair	Bellwood, borough of	do		[1] 422645
Do	Jefferson	Big Run, borough of	do	July 19, 1974	420508
Do	do	Clover, township of	do	Jan. 3 1975	422442
Do	Delaware	Media, borough of	do	Feb. 21, 1975	420421
Florida	Gulf	Wewahitchka, city of	May 19, 1976, emergency	Aug. 9, 1974 Jan. 9, 1976	120100A
Kentucky	Estill	Revenna, city of	do	May 17, 1974	210319
Maine	Penobscot	Etna, town of	do	Jan. 17, 1975	230385
New Hampshire	Rockingham	Greenland, town of	do	Feb. 21, 1975	330210
Ohio	Noble	Unincorporated areas	do	Jan. 10, 1975	390428
Pennsylvania	Cambria	Geistown, borough of	do		420229
Do	Chester	West Caln, township of.	do	Sept. 6, 1974	421497
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Iowa	Woodbury	Anthon, town of	May 20, 1976, emergency	Jan. 23, 1974 Mar. 19, 1976	190286A
Kansas	Nemaha	Sabetha, city of	do		200528
Michigan	Kalamazoo	Portage, city of	do	Sept. 19, 1975	260577
Missouri	Greene	Ash Grove, city of	do	Apr. 25, 1975	290751
New York	Orleans	Gaines, town of	do	Apr. 11, 1975	361255A
Oklahoma	Grant	Medford, city of	do		400403
Missouri	Mercer	Princeton, city of	May 11, 1976, suspension withdrawn.	June 7, 1976 Nov. 28, 1975	290225A
*	*	*	*	*	*
Illinois	Lee	Compton, village of	May 21, 1976, emergency	June 27, 1975	170416
Maine	Osford	Hartford, town of	do	Apr. 11, 1975	230334
New York	Herkimer	Columbia, town of	do	Mar. 29, 1974	360299
Do	Allegany	Richburg, village of	do	Aug. 9, 1974 Jan. 23, 1976	360032A
Ohio	Logan	Unincorporated areas	do		390772
Do	Cuyahoga	Newburgh Heights, village of.	do	Mar. 15, 1974	390119
Oklahoma	Muskogee	Porum, town of	do	June 28, 1974 Nov. 28, 1975	400127A

[1] New community number.

(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 13, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76-15092 Filed 5-24-76;8:45 am]

[Docket No. FI-1138]

PART 1915—IDENTIFICATION AND MAPPING OF SPECIAL HAZARD AREAS

List of Communities With Special Hazard Areas

The purpose of this notice is the identification of communities with areas of special flood or mudslide or erosion hazards in accordance with Part 1915 of Title 24 of the Code of Federal Regulations as authorized by the National Flood Insurance Program (42 U.S.C. 4001–4128). The identification of such areas is to provide guidance so that communities may adopt appropriate flood plain management measures to minimize damage caused by flood losses and to guide future construction, where practicable, away from locations which are threatened by flood hazards.

The Flood Disaster Protection Act of 1973 requires the purchase of flood insurance on and after March 2, 1974, as a condition of receiving any form of Federal or Federally related financial assistance for acquisition or construction purposes in an identified flood plain area having special flood hazards that is located within any community participating in the National Flood Insurance Program.

One year after the identification of the community as flood prone, the requirement applies to all identified special flood hazard areas within the United States, so that, after that date, no such financial assistance can legally be provided for acquisition and construction in these areas unless the community has entered the program. The prohibition, however, does not apply to loans by a Federally regulated, insured, supervised or approved bank prior to March 1, 1976, to finance the acquisition of a previously occupied residential dwelling.

The effective date of identification shall be 30 days after the date of publication in the FEDERAL REGISTER, or the date which appears in this notice, whichever is later.

This 30 day period does not supersede the statutory requirement that a community, whether or not participating in the program, be given the opportunity for a period of six months to establish that it is not seriously flood prone or that such flood hazards as may have existed have been corrected by floodworks or other flood control methods. The six months period shall be considered to begin June 24, 1976 or the effective date of the Flood Hazard Boundary Map, whichever is later. Similarly, the one year period a community has to enter the program under section 201(d) of the Flood Disaster Protection Act of 1973 shall be considered to begin June 24, 1976 or the effective date of the Flood Hazard Boundary Map, whichever is later.

Where several dates appear in the column set forth below marked Effective Date of Identification, the first date is the date of initial identification, and all other dates represent modification by additions or deletions to identified areas with special hazards.

Accordingly, § 1915.3 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

§ 1915.3 List of communities with special hazard areas (FHBM's in effect).

State	County	Location	Map No.	Local map repository	Effective date of identification of areas which have special flood hazard
Alabama	Fayette	Unincorporated areas	H 010219A 01 through H 010219A 41	Chairman, County Commissioners, P.O. Box 509, Fayette, Ala. 35555.	Jan. 10, 1975. May 21, 1976.
Do	Walker	Jasper, city of	H 010206A 01 through H 010206A 11	City Manager, Box 1589, Jasper, Ala. 36501.	Jan. 23, 1974. May 21, 1976.
Do	Marengo	Linden, city of	H 010158A 01 through H 010158A 04	Mayor, 211 North Main St., Linden, Ala. 36748	June 28, 1974. May 21, 1976.
Do	Dallas	Selma, city of	H 010065A 01 through H 010065A 08	Mayor, P.O. Box L, Selma, Ala. 36701	Dec. 17, 1973. May 21, 1976.
Do	Jefferson	Tarrant City, city of	H 010131A 01 through H 010131A 02	Mayor, 1004 Ford Ave., Tarrant City, Ala. 35217	June 28, 1974. May 21, 1976.
Do	Macon	Tuskegee, city of	H 010150A 01 through H 010150A 05	Mayor, 214 North Main St., Tuskegee, Ala. 36083	Aug. 16, 1974. May 21, 1976.
Do	Lamar	Vernon, town of	H 010139A 01 through H 010139A 05	Mayor, P.O. Box 357, Vernon, Ala. 35592	May 3, 1974. May 21, 1976.
Alaska		Golovin, city of	H 020047 01	Mayor, City Hall, Golovin, Alaska 99762	July 16, 1976.
Do		Wales, city of	H 020005 01	Mayor, City Hall, Wales, Alaska 99783	Do.
Arizona	Pinal	Kearny, town of	H 040085A 01	Mayor, Town Hall, 375 Alden Rd., Kearny, Ariz. 85237	Nov. 30, 1973. May 21, 1976.
Do	Maricopa	Paradise Valley, town of	H 040049A 01 through H 040049A 03	Mayor, Town Hall, Paradise Valley, Ariz. 85253	Dec. 7, 1973. May 21, 1976.
Do	do	Youngtown, town of	H 040057B 01	Mayor, 12028 Clubhouse Sq., P.O. Box 128, Youngtown, Ariz. 85363.	Dec. 28, 1973. Dec. 5, 1975.
Arkansas	Phillips	West Helena, city of	H 050171A 01	Mayor, City Hall, West Helena, Ark. 72390	Apr. 5, 1974. May 21, 1976.
California	Los Angeles	Redondo Beach, city of	H 060150A 01 through H 060150A 03	Associate Civil Engineer, 415 Diamond St., Redondo Beach, Calif. 90277.	June 28, 1974. May 21, 1976.
Do	Solano	Vacaville, city of	H 060373A 01 through H 060373A 08	Director of Public Works, P.O. Box 300, Vacaville, Calif. 95688.	May 17, 1974. May 21, 1976.
Do	Los Angeles	Walnut, city of	H 065060 01 through H 065060 04	Minutes Secretary, 20550 East Carrey Rd., Walnut, Calif. 91789.	July 16, 1976.
Colorado	Routt	Hayden, town of	H 080157A 01	Mayor, P.O. Box 190, Hayden, Colo. 81639	June 28, 1974. May 21, 1976.
Connecticut	Litchfield	Kent, town of	H 090186A 01 through H 090186A 15	First Selectman, R.F.D. No. 1, Box M5, Kent, Conn. 06757.	Jan. 3, 1975. May 21, 1976.
Do	Tolland	Union, town of	H 090190A 01 through H 090190A 09	First Selectman, Town of Union, 606 Buck'ey Highway, R.F.D. No. 2, Stafford Springs, Conn. 06076.	Jan. 31, 1975. May 21, 1976.
Delaware	Kent	Kenton, town of	H 100013A 01	Mayor, P.O. Box 1, Kenton, Del. 19995	Sept. 13, 1974.
Florida	Madison	Madison, city of	H 120152A 01	Mayor, 109 Southwest Retuladge, Madison, Fla. 32340	Jan. 24, 1974. May 21, 1976.
Do	Orange	Ocoee, city of	H 120185A 01	Mayor, 102 West McKoy, Ocoee, Fla. 32761	Aug. 2, 1974.

State	County	Location	Map No.	Local map repository	Effective date of identification of areas which have special flood hazard
Do	Palm Beach	Royal Palm Beach, village of.	H 120225A 01 through H 120225A 03	Mayor, Village of Royal Palm Beach, 684 Camellia Dr., West Palm Beach Fla. 33411.	June 28, 1974. May 21, 1976.
Do	Jackson	Sneads, town of	H 120130A 01 through H 120130A 02	Mayor, P.O. Box 156, Sneads, Fla. 32460	Aug. 2, 1974. May 21, 1976.
Georgia	Gwinnett	Duluth, city of	H 130098A 01 through H 130098A 04	Mayor, P.O. 624, Duluth, Ga. 30136	May 24, 1974. May 21, 1976.
Do	Clayton	Forest Park, city of	H 130042A 01 through H 130042A 06	Mayor, P.O. Box 69, Forest Park, Ga. 30050	May 31, 1974. May 21, 1976.
Do	Mitchell	Unincorporated areas	H 130438 01 through H 130438 36	Chairman, Mitchell County Commissioners Office, P.O. Box 187, Camille, Ga. 31730.	July 16, 1976.
Do	Terrell	do	H 130400 01 through H 130400 25	Chairman, Terrell County Commissioners Office, P.O. Box 525, Dawson, Ga. 31742.	Do.
Idaho	Kootenai	Post Falls, city of	H 160083A 01 through H 160083A 03	Mayor, City Hall, 4th and Spokane, Post Falls, Idaho 83854.	Jan. 9, 1974. May 21, 1976.
Illinois	DuPage	Bloomingdale, village of	H 170201A 01 through H 170201A 02	Village President, 108 West Lake St., Bloomingdale, Ill. 60108.	Mar. 1, 1974. May 21, 1976.
Do	Jefferson	Bonnie, village of	H 170306A 01 through H 170306A 02	Village President, Box 119, Bonnie, Ill. 62816	Feb. 15, 1974. May 21, 1976.
Do	Grundy	Eileen, village of	H 170260A 01	Village President, Eileen, Ill. 60416	Mar. 8, 1974. May 21, 1976.
Do	Madison	Glen Carbon, village of	H 170442A 01 through H 170442A 02	Village President, Box 317, Glen Carbon, Ill. 62034	Aug. 16, 1974. May 21, 1976.
Do	Hancock	Hamilton, city of	H 170271A 01 through H 170271A 03	Acting Mayor, 1010 Broadway, Hamilton, Ill. 62341	Mar. 29, 1974.
Do	Madison	Highland, city of	H 170445A 01 through H 170445A 02	Mayor, 1106 Main St., Highland, Ill. 62259	Mar. 8, 1974. May 21, 1976.
Do	Moultrie	Lovington, village of	H 170523A 01	Mayor, Village Hall, Lovington, Ill. 61937	June 7, 1974. May 21, 1976.
Do	Carroll	Mount Carroll, city of	H 170020A 01	Mayor, 302 North Main St., Mount Carroll, Ill. 61053	Mar. 22, 1974.
Do	Clinton	New Baden, village of	H 170050A 01	Village President, P.O. Box 421, New Baden, Ill. 62265	May 24, 1974. May 21, 1976.
Do	Washington	Okawville, city of	H 170679A 01	Village President, Village Hall, Okawville, Ill. 62271	Mar. 1, 1974. May 21, 1976.
Do	Pulaski	Pulaski, village of	H 170567A 01	Mayor, Village Hall, Pulaski, Ill. 62976	May 17, 1974. May 21, 1976.
Do	Gallatin	Ridgway, village of	H 170249A 01	Village President, Village Hall, Ridgway, Ill. 62979	Feb. 22, 1974. May 21, 1976.
Do	Rock Island	Silvis, city of	H 170595A 01 through H 170595A 02	Mayor, 1040 1st Ave., Silvis, Ill. 61282	May 31, 1974. May 21, 1976.
Do	Macoupin	Staunton, city of	H 170434A 01	Mayor, 304 West Main, Staunton, Ill. 62088	May 17, 1974. May 21, 1976.
Do	Cook and Will	Steger, village of	H 170713A 01	Village President, 3320 Emerald Ave., Steger, Ill. 60475	May 3, 1974. May 21, 1976.
Do	Christian	Stonington, village of	H 170037A 01	Village President, Village Hall, Stonington, Ill. 62567	June 7, 1974.
Do	Marshall	Toluca, city of	H 170460A 01	Mayor, City Hall, Toluca, Ill. 61369	Apr. 5, 1974. May 21, 1976.
Do	McLean	Towanda, village of	H 170504A 01	Village President, Village Hall, Towanda, Ill. 61776	June 28, 1974. May 21, 1976.
Do	Johnson	Vienna, city of	H 170319A 01	Village President, P.O. Box 516, Vienna, Ill. 62995	Mar. 29, 1974.
Indiana	Delaware	Albany, town of	H 180314A 01	President, Town Board, 237 West State St., Albany, Ind. 47320.	Nov. 23, 1973. May 21, 1976.
Do	Greene	Bloomfield, town of	H 180316A 01	President, Town Board, Box 411, Bloomfield, Ind. 47424	Nov. 23, 1973.
Do	Vermillion	Cayuga, town of	H 180258A 01 through H 180258A 02	President, Town Board, P.O. Box 33, Cayuga, Ind. 47928	May 31, 1974. May 21, 1976.
Do	Vanderburgh	Evansville, city of	H 180257A 01 through H 180257A 16	Mayor, 302 Civic Center, Evansville, Ind. 47708	June 14, 1974. May 21, 1976.
Do	Putnam	Greencastle, city of	H 180216A 01 through H 180216A 02	Mayor, City Hall, Greencastle, Ind. 46135	May 17, 1974. May 21, 1976.
Do	St. Joseph	Indian Village, town of	H 180225A 01	President, Town Board, Town of Indian Village, 53665 Palmer St., South Bend, Ind. 46600.	Oct. 18, 1974.
Do	Noble	Ligonier, city of	H 180186 01 through H 180186 02	Mayor, City Hall, Ligonier, Ind. 46767	July 16, 1976.
Do	Greene	Newberry, town of	H 180337A 01	President, Town Board, Town Hall, Newberry, Ind. 47449	Feb. 1, 1974.
Do	Lake	New Chicago, town of	H 180140A 01	Chairman of the Board, Town of New Chicago, 116 Madison St., Hobart, Ind. 46342.	May 31, 1974.
Do	Allen	New Haven, city of	H 180004A 01 through H 180004A 02	Mayor, 1235 Lincoln Highway East, New Haven, Ind. 46774.	Dec. 17, 1973. May 21, 1976.
Do	Vermillion	Newport, town of	H 180262A 01	President, Town Board, Box 65, Newport, Ind. 47966	May 31, 1974. May 21, 1976.
Do	Johnson	New Whiteland, town of	H 180116A 01	Town Board, 401 Mooreland Dr., New Whiteland, Ind. 46184.	Jan. 16, 1974. May 21, 1976.
Do	Randolph	Union City, city of	H 180219A 01	Mayor, 115 North Columbia St., Union City, Ind. 47390	May 24, 1974.
Iowa	Franklin and Hardin.	Ackley, city of	H 190386 01 through H 190386 02	Mayor, City Hall, Ackley, Iowa 50601	July 16, 1976.
Do	Butler	Allison, city of	H 190544 01	Mayor, City Hall, Allison, Iowa 50602	Do.
Do	Audubon	Audubon, city of	H 190011A 01 through H 190011A 02	Mayor, City Hall, Audubon, Iowa 50025	May 3, 1974. May 21, 1976.
Do	Winneshiek	Fort Atkinson, town of	H 190284A 01	Town Clerk, Town Hall, Fort Atkinson, Iowa 52144	Jan. 17, 1975. May 21, 1976.

State	County	Location	Map No.	Local map repository	Effective date of identification of areas which have special flood hazard
Do	Dickinson	Milford, city of	H 190368 01	Mayor, 1021 10th St., Milford, Iowa 51351	July 16, 1976.
Do	Appanoose	Moulton, city of	H 190624 01	Mayor, 111 South Main St., City Hall, Moulton, Iowa 52572	Do.
Do	Plymouth	Oyens, town of	H 190479 01	Mayor, City Hall, Oyens, Iowa 51045	Do.
Do	Cerro Gordo	Plymouth, city of	H 190061A 01	Mayor, City Hall, Plymouth, Iowa 50464	Nov. 8, 1974. May 21, 1976
Do	Clay	Spencer, city of	H 190071 01 through H 190071 04	Mayor, City Hall, Spencer, Iowa 51301	July 16, 1976.
Do	Buchanan	Winthrop, city of	H 190390 01 through H 190690 02	Mayor, City Hall, Winthrop, Iowa 50682	Do.
Kansas	Thomas	Brewster, city of	H 200392 01	Mayor, P.O. Box 271, Brewster, Kans. 67732	Do.
Do	Clark	Englewood, city of	H 200350 01	Mayor, P.O. Box 173, Englewood, Kans. 67840	Do.
Do	Sedgwick	Goddard, city of	H 200500 01	Mayor, 122 North Main St., Goddard, Kans. 67052	Do.
Do	Stafford	St. Johns, city of	H 200525 01	Mayor, P.O. Box 214, St. Johns, Kans. 67576	Do.
Do	Ellis	Victoria, city of	H 200552 01	Mayor c/o City Clerk, Victoria, Kans. 67671	Do.
Kentucky	Knox	Barbourville, city of	H 210132B 01	Mayor, City Hall, Barbourville, Ky. 40906	Mar. 15, 1974.
Do	Kenton	Bromley, city of	H 210253A 01	Mayor, 226 Boone St., Bromley, Ky. 41012	Feb. 1, 1974.
Do	Harlan	Harlan, city of	H 210102A 01 through H 210102A 02	Mayor, Box 783, Harlan, Ky. 40831	Mar. 16, 1973.
Louisiana	Morehouse	Collinston, village of	H 220267 01	Mayor, Village Hall, Collinston, La. 71229	July 16, 1976.
Do	Vermilion	Maurice, village of	H 220227 01	Mayor, P.O. Box 36, Maurice, La. 70559	Do.
Do	St. Tammany	Slidell, city of	H 220204A 01 through H 220204A 06	Mayor, City Hall, Slidell, La. 70458	Nov. 16, 1973. May 21, 1976.
Do	Calcasieu	Vinton, town of	H 220042A 01 through H 220042A 02	Superintendent, Town Hall, 1200 Horridge St., Vinton, La. 70668	May 24, 1974. May 21, 1976.
Do	Jefferson	Westwego, city of	H 220094 01 through H 220094 03	Mayor, City Hall, Westwego, La. 70094	July 16, 1976.
Maine	Aroostook	Smyrna, town of	H 230034A 01 through H 230034A 12	Town Manager, Town of Smyrna, P.O. Box 54, Smyrna Mills, Maine 04780.	Jan. 31, 1975. May 21, 1976.
Maryland	Queen Annes	Centreville, town of	H 240056A 01 through H 240056A 03	Mayor, P.O. Box 100, Centreville, Md. 21617	July 26, 1974. May 21, 1976.
Do	Washington	Hagerstown, city of	H 240074A 01 through H 240074A 03	Mayor, City Hall, Hagerstown, Md. 21740	May 10, 1974. May 21, 1976.
Do	Calvert	North Beach, town of	H 240012A 01	Mayor, P.O. Box 303, North Beach, Md. 20831	June 28, 1974. May 21, 1976.
Do	Wicomico	Salisbury, city of	H 240080A 01 through H 240080A 03	Mayor, P.O. Box 791, Salisbury, Md. 21801	Oct. 18, 1974. May 21, 1976.
Do	Carroll	Union Bridge, town of	H 240017A 01	Mayor, 101 South Main St., Union Bridge, Md. 21791.	Nov. 16, 1973.
Michigan	Mecosta	Big Rapids, city of	H 260136A 01 through H 260136A 02	City Manager, 226 North Michigan Ave., Big Rapids, Mich. 49307.	May 24, 1974.
Do	Macomb	Fraser, city of	H 260122A 01 through H 260122A 02	Mayor, 33000 Garfield Rd., Fraser, Mich. 48026	May 24, 1974. May 21, 1976.
Do	Ottawa	Spring Lake, township of	H 260281A 01 through H 260281A 04	Township Supervisor, Township Hall, 106 South Buchanon St., Spring Lake, Mich. 49456.	June 28, 1974. May 21, 1976.
Minnesota	Nobles	Adrian, city of	H 270318A 01	Mayor, P.O. Box 187, Adrian, Minn. 56110	May 3, 1974. May 21, 1976.
Do	Todd	Browerville, city of	H 270475A 01	Mayor, City Hall, Browerville, Minn. 56438	May 3, 1974.
Do	Mower	Brownsdale, city of	H 270310A 01	Mayor, City Hall, Brownsdale, Minn. 55918	May 10, 1974.
Do	Dakota	Ravenna, city of	H 270670A 01 through H 270670A 09	Chairman of the Board, City of Ravenna, 20240 Quentin Ave., Hastings, Minn. 55033.	Feb. 25, 1974. May 21, 1976.
Mississippi	Madison	Canton, city of	H 280109A 01 through H 280109A 04	Mayor, P.O. Box 53, Canton, Miss. 39046	June 7, 1974. May 21, 1976.
Do	Washington	Greenville, city of	H 280179A 01 through H 280179A 06	Mayor, P.O. Box 897, Greenville, Miss. 38701	Nov. 16, 1973. May 21, 1976.
Missouri	Buchanan	Agency, village of	H 290041A 01 through H 290041A 02	Mayor, Town Hall, Agency, Mo. 64401	Aug. 30, 1974. May 21, 1976.
Do	Jackson	Blue Springs, city of	H 290169A 01 through H 290169A 07	Mayor, City Hall, 903 Main St., Blue Springs, Mo. 64015	June 28, 1974. May 21, 1976.
Do	do	Grain Valley, city of	H 290737 01 through H 290737 02	Mayor, City Hall, 111 West Front St., Grain Valley, Mo. 64029.	July 16, 1976.
Do	Chariton	Keytesville, city of	H 290723 01 through H 290723 02	Mayor, City Hall, Keytesville, Mo. 65261	Do.
Do	Clay	Oakview, village of	H 290695 01	Mayor, P.O. Box 10766, Kansas, Mo. 64118	Do.
Montana	Carter	Ekalaka, town of	H 300111 01	Mayor, Town Hall, Ekalaka, Mont. 59324	Do.
Do	Flathead	Kalispell, city of	H 300025A 01 through H 300025A 02	Director of Public Works, City Hall, Kalispell, Mont. 59901.	Feb. 15, 1974. May 21, 1976.
Nebraska	Knox	Bloomfield, city of	H 310351 01	Mayor, City Hall, Bloomfield, Nebr. 68718	July 16, 1976.
New Hampshire	Merrimack	Salisbury, town of	H 330121A 01 through H 330121A 12	Chairman, Board of Selectmen, Town Hall, Salisbury, N.H. 03268.	Feb. 21, 1975. May 21, 1976.
New Jersey	Warren	Independence, township of	H 340487A 01 through H 340487A 06	Mayor, Township of Independence, Municipal Bldg., Great Meadows, N.J. 07838.	July 26, 1974. May 21, 1976.
Do	Sussex	Lafayette, township of	H 340532A 01 through H 340532A 07	Mayor, 201 Box 911, Municipal Bldg., Route 15, Lafayette, N.J. 07848.	Dec. 20, 1974. May 21, 1976.

State	County	Location	Map No.	Local map repository	Effective date of identification of areas which have special flood hazard
Do	Union	Linden, city of	H 340467 01 through H 340467 04	Mayor, City Hall, Linden City, N.J. 07036	July 16, 1976.
Do	Burlington	Palmyra, borough of	H 340110A 01 through H 340110A 04	Mayor, 20 West Borad St., Palmyra, N.J. 08065	Mar. 15, 1974.
Do	Gloucester	Woodbury, city of	H 340216 01 through H 340216 02	Mayor, 33 Delaware St., P.O. Box 491	July 16, 1976.
New Mexico	Sandoval	Bernalillo, town of	H 350056A 01	Mayor, 901 Camino Del Pueblo, Bernalillo, N. Mex. 87004	June 7, 1974. May 21, 1976.
Do	Harding	Roy, village of	H 350108 01	Mayor, Village Hall, Box 36, Roy, N. Mex. 87743	July 16, 1976.
New York	Albany	Altamont, village of	H 360002A 01	Mayor, Village Hall, Altamont, N.Y. 12009	Apr. 12, 1974. May 21, 1976.
Do	Franklin	Altamount, town of	H 361162 01 through H 361162 33	Town Supervisor, Town of Altamount, 41 Lake St., Tupper Lake, N.Y. 12986.	July 16, 1976.
Do	Dutchess	Amenia, town of	H 361332A 01 through H 361332A 05	Town Supervisor, Town Hall, Amenia, N.Y. 12501	Oct. 18, 1974. May 21, 1976.
Do	Chemung	Baldwin, town of	H 361054A 01 through H 361054A 07	Town Supervisor, Town of Baldwin, Rural Delivery 1, Erin, N.Y. 14838.	May 31, 1974.
Do	Suffolk	Bellport, village of	H 361069A 01	Mayor, P.O. Box 3, Bellport, N.Y. 11713	Nov. 1, 1974. May 21, 1976.
Do	Albany	Berne, town of	H 360003A 01 through H 360003A 05	Town Supervisor, Town of Berne, Town Hall, East Berne, N.Y. 12059.	June 28, 1974. May 21, 1976.
Do	Columbia	Canaan, town of	H 361313A 01 through H 361313A 10	Supervisor, Town of Canaan, Town Hall, East Chatham, N.Y. 12060.	Nov. 1, 1974. May 21, 1976.
Do	do	Chatham, village of	H 361523A 01 through H 361523A 03	Mayor, 77 Main St., Chatham, N.Y. 12037	Dec. 6, 1974.
Do	Otsego	Gilbertsville, village of	H 361455 01	Mayor, Village Hall, Gilbertsville, N.Y. 13776	July 16, 1976.
Do	Chenango	Greene, village of	H 360159A 01	Mayor, P.O. Box 207, Greene, N.Y. 13778	Feb. 20, 1976. May 21, 1976.
Do	Madison	Hamilton, town of	H 360401A 01 through H 360401A 11	Supervisor, 4 Eaton St., Hamilton, N.Y. 13346	May 31, 1974. May 21, 1976.
Do	Niagara	Hartland, town of	H 360500A 01 through H 360500A 13	Town Supervisor, Town of Hartland, 8942 Ridge Rd., Gasport, N.Y. 14067.	Apr. 12, 1974. May 21, 1976.
Do	Oswego	Hastings, town of	H 360653A 01 through H 360653A 08	Supervisor, Rural Delivery No. 1, Hastings, N.Y. 13076	Nov. 1, 1974. May 21, 1976.
Do	Chemung	Horseheads, village of	H 360154A 01 through H 360154A 02	Mayor, 202 South Main St., Horseheads, N.Y. 14845	Nov. 23, 1973.
Do	Cattaraugus	Ischua, town of	H 360079A 01 through H 360079A 08	Supervisor, Ischua, N.Y. 14746	May 31, 1974. May 21, 1976.
Do	Essex and Clinton.	Keeseville, village of	H 360266A 01	Mayor, Main St., Keeseville, N.Y. 12944	May 31, 1974. May 21, 1976.
Do	Orleans	Kendall, town of	H 360643A 01 through H 360643A 02	Supervisor, 1412 Centre Rd., Kendall, N.Y. 14476	Apr. 12, 1974. May 21, 1976.
Do	Erie	Lancaster, town of	H 360249A 01 through H 360249A 05	Town Supervisor, 21 Central, Lancaster, N.Y. 14086	May 24, 1974. May 21, 1976.
Do	Otsego	Laurens, village of	H 361351A 01	Mayor, Box 266, Laurens, N.Y. 13796	Nov. 15, 1974. May. 21, 1976.
Do	Albany	Menands, village of	H 360012A 01 through H 360012A 02	Mayor, 250 Broadway, Menands, N.Y. 12204	Feb. 1, 1974.
Do	Nassau	Rockville Centre, village of	H 360488A 01 through H 360488A 05	Mayor, Box 950, Rockville Centre, N.Y. 11571	June 28, 1974. May 21, 1976.
Do	Oneida	Rome, city of	H 360542A 01 through H 360542A 18	Mayor, 207 North James St., City Hall, Rome, N.Y. 13340	Aug. 30, 1974. May 21, 1976.
Do	Wayne	Rose, town of	H 360897A 01 through H 360897A 02	Supervisor, Town of Rose, North Main St., North Rose, N.Y. 14516.	June 28, 1974. May 21, 1976.
Do	Oneida	Sangerfield, town of	H 360543A 01 through H 360543A 04	Supervisor, Town of Sangerfield, Rural Delivery No. 1, Waterville, N.Y. 13480.	June 28, 1974. May 21, 1976.
Do	Ulster	Saugerties, town of	H 360863A 01 through H 360863A 06	Supervisor, Town Hall, Main St., Saugerties, N.Y. 12477	May 31, 1974. May 21, 1976.
Do	Cayuga	Sempronius, town of	H 360123A 01 thorugh H 360123A 04	Supervisor, Town of Sempronius, Rural Delivery No. 3, Moravia, N.Y. 13118	May 31, 1974. May 21, 1976.
Do	Oneida	Whitesboro, village of	H 360566A 01	Mayor, Town Hall, 8 Parle Ave., Whitesboro, N.Y. 13492	Feb. 22, 1974. May 21, 1976.
North Carolina	Catawba	Brookford, town of	H 370051A 01	Mayor, Town of Brookford, 194 20th Ave. SW., Hickory, N.C. 28601.	Sept. 6, 1974. May 21, 1976.
Do	do	Catawba, town of	H 370052A 01	Mayor, P.O. Box 432, Catawba, N.C. 28609	June 28, 1974.
Do	McDowell	Old Fort, town of	H 370149 01	Mayor, P.O. Box 520, Catawba Ave., Old Fort, N.C. 27652.	July 16, 1976.
Do	Edgecombe	Rocky Mount, city of	H 370092A 01 through H 370092A 09	Mayor, P.O. Box 1180, 131-9 Northeast Main St., Rocky Mount, N.C. 27801.	Mar. 1, 1974. May 21, 1976.
Do	Stokes	Walnut Cove, town of	H 370224A 01	Mayor, P.O. Box 127, Walnut Cove, N.C. 27052	Feb. 8, 1974. May 21, 1976.
North Dakota	Hettinger	New England, city of	H 380242 01	Mayor, City Hall, P.O. Box 130, New England, N. Dak. 58647.	July 16, 1976.
Do	Pierce	Rugby, city of	H 380088B 01 through H 380088B 12	City Attorney, 229 Southeast 2d, P.O. Box 392, Rugby, N. Dak. 58368.	Mar. 22, 1974. Oct. 3, 1975. May 21, 1976.

State	County	Location	Map No.	Local map repository	Effective date of identification of areas which have special flood hazard
Ohio	Hamilton	Addyston, village of	H 390205A 01 through H 390205A 04	Mayor, Main St., Addyston, Ohio 45001	Mar. 1, 1974. May 21, 1976.
Do	Delaware	Ashley, village of	H 390147A 01	Mayor, 24 South Main St., Ashley, Ohio 43003	Jan. 23, 1974. May 21, 1976.
Do	Ashtabula	Ashtabula, city of	H 390011A 01 through H 390011A 04	City Manager, 4400 Main Ave., Ashtabula, Ohio 44004	Dec. 28, 1973.
Do	Cuyahoga	Bay Village, city of	H 390093A 01 through H 390093A 03	Mayor, 350 Dover Center, Bay Village, Ohio 44140	Apr. 12, 1974. May 21, 1976.
Do	Belmont	Bellaire, city of	H 390025A 01 through H 390025A 03	Mayor, 32d and Belmont, Bellaire, Ohio 43906	Feb. 8, 1974.
Do	Logan	Bellefontaine, city of	H 390340A 01 through H 390340A 03	Mayor, 135 North Detroit St., Bellefontaine, Ohio 43311	June 7, 1974. May 21, 1976.
Do	Belmont	Bridgeport, village of	H 390026A 01	Mayor, Municipal Bldg., Bridgeport, Ohio 43912	Feb. 8, 1974. May 21, 1976.
Do	Crawford	Bucyrus, city of	H 390090A 01 through H 390090A 02	Mayor, 500 South Sandusky Ave., Bucyrus, Ohio 44820	Nov. 16, 1973. May 21, 1976.
Do	Guernsey	Byesville, village of	H 390199A 01	Mayor, 236 Main Ave., Beyesville, Ohio 43723	Mar. 29, 1974.
Do	Franklin and Fairfield.	Canal Winchester, village of.	H 390169B 01 through H 390169B 02	Mayor, 10 North High St., Canal Winchester, Ohio 43110	Feb. 1, 1974.
Do	Morrow	Cardington, village of	H 390652A 01 through H 390652A 02	Mayor, Village Hall, Park Ave., Cardington, Ohio 43315	Mar. 29, 1974. May 21, 1976.
Do	Carroll	Carrollton, village of	H 390048A 01 through H 390048A 02	Mayor, 80 2d St. SW., Carrollton, Ohio 44615	Jan. 16, 1974. May 21, 1976.
Do	Erie	Castalia, village of	H 390653A 01	Mayor, 106 South Ave., Castalis, Ohio 44824	Mar. 29, 1974. May 21, 1976.
Do	Geauga	Chardon, village of	H 390191A 01 through H 390191A 03	Mayor, Village Hall, Chardon, Ohio 44024	Jan. 9, 1974.
Do	Monroe	Clarington, village of	H 390405A 01 through H 390405A 02	Mayor, Box 215, Clarington, Ohio 43915	Sept. 6, 1974. May 21, 1976.
Do	Summit	Clinton, village of	H 390525A 01	Mayor, 7805 2d Ave., Clinton, Ohio 44216	Feb. 8, 1974. May 21, 1976.
Do	Lawrence	Coal Grove, village of	H 390326A 01 through H 390326A 06	Mayor, 400 Marion Pike, Coal Grove, Ohio 45638	June 14, 1974. May 21, 1976.
Do	Jackson	Coalton, village of	H 390291A 01	Mayor, Village Hall, Coalton, Ohio 45621	Feb. 1, 1974. May 21, 1976.
Do	Columbiana	Columbiana, village of	H 390077A 01 through H 390077A 02	Mayor, 28 West Friend St., Columbiana, Ohio 44408	May 3, 1974. May 21, 1976.
Do	Putnam	Columbus Grove, village of.	H 390466A 01	Mayor, 113 East Sycamore St., Columbus Grove, Ohio 45830.	Feb. 8, 1974.
Do	Van Wert	Convoy, village of	H 390550 A01 through H 390550A 02	Mayor, Box 314, Convoy, Ohio 45832	May 31, 1974.
Do	Warren	Corwin, village of	H 390555 01 through H 390555 02	Mayor, Village of Corwin, 814 Corwin Ave., Waynesville, Ohio 45068.	July 16, 1976.
Do	Coshocton	Coshocton, city of	H 390089A 01 through H 390089A 08	Mayor, City Office Bldg., 225 West Main St., Coschocton, Ohio 43812.	Jan. 23, 1974. May 21, 1976.
Do	Wood	Cygnet, village of	H 390584A 01	Mayor, Village Hall, Cygnet, Ohio 43413	May 10, 1974.
Do	Carroll	Dellroy, village of	H 390049A 01	Mayor, Village Hall, Dellroy, Ohio 44620	Aug. 9, 1974.
Do	Fulton	Delta, village of	H 390183A 01	Mayor, Village Hall, 401 Main St., Delta, Ohio 43515	May 31, 1974.
Do	Noble	Dexter City, village of	H 390431A 01	Mayor, Box 103, Dexter City, Ohio 45727	Aug. 23, 1974. May 21, 1976.
Do	Clark	Donnelsville, village of	H 390061A 01	Mayor, 15 South Hampton St., Donnelsville, Ohio 45319	Feb. 1, 1974.
Do	Putnam	Dupont, village of	H 390467A 01	Mayor, Box 55, Dupont, Ohio 45837	Aug. 9, 1974.
Do	Columbiana	East Palestine, city of	H 390079A 01	Mayor, 75 East Main St., East Palestine, Ohio 44413	Jan. 16, 1974. May 21, 1976.
Do	do	East Rochester, village of	H 390080A 01	Mayor, 317 Main St., East Rochester, Ohio 44445	Sept. 13, 1974.
Do	Stark	East Sparta, village of	H 390655A 01	Mayor, 1841 Pine St. SE., East Sparta, Ohio 44626	Apr. 5, 1974.
Do	Cuyahoga	Fairview Park, city of	H 390108A 01 through H 390108A 03	Mayor, 20777 Lorain Rd., Fairview Park, Ohio 44126	Jan. 16, 1974.
Do	Hancock	Findlay, city of	H 390244A 01 through H 390244A 08	Mayor, Municipal Bldg., Findlay, Ohio 45840	Jan. 23, 1974. May 21, 1976.
Do	Henry	Florida, village of	H 390263A 01	Mayor, Village of Florida, Route 2, Napoleon, Ohio 43545	Aug. 9, 1974.
Do	Mercer	Fort Recovery, village of	H 390395A 01	Mayor, 207 East Boundary, Fort Recovery, Ohio 45561	June 7, 1974.
Do	Wayne	Fredericksburg, village of	H 390576A 01	Mayor, Box 278, Fredericksburg, Ohio 44627	Jan. 16, 1974.
Do	Putnam	Gilboa, village of	H 390469A 01	Mayor, Village Hall, Gilboa, Ohio 45847	Aug. 9, 1974.
Do	Trumbull	Girard, city of	H 390536A 01 through H 390536A 02	Mayor, 100 West Main Girard, Ohio 44420	Jan. 23, 1974.
Do	Perry	Glenford, village of	H 390442A 01	Mayor, Box 22, Glenford, Ohio 43739	Aug. 23, 1974.
Do	Athens	Glouster, village of	H 390018A	Mayor, 16½ Front St., Glouster, Ohio 45732	May 17, 1974. May 21, 1976.
Do	Marion	Green Camp, village of	H 390374A 01	Mayor, Box 57, Green Camp, Ohio 43322	Nov. 16, 1973.
Do	Hamilton	Greenhills, city of	H 390219A 01	Mayor, City Hall, Greenhills, Ohio 45218	Jan. 25, 1974.
Do	Columbiana	Hanoverton, village of	H 390082A 01	Mayor, Box 9, Hanoverton, Ohio 44423	Aug. 9, 1974.
Do	Hamilton	Harrison, village of	H 390220A 01 through H 390220A 02	Mayor, 200 Harrison Ave., Harrison, Ohio 45030	Feb. 15, 1974.
Do	Licking	Hebron, village of	H 390333A 01	Mayor, 116 West Main St., Hebron, Ohio 43025	May 3, 1974. May 21, 1976.
Do	Defiance	Hicksville, village of	H 390145A 01	Mayor, 111-3 South Main St., Hicksville, Ohio 43526	May 17, 1974.
Do	Franklin	Hilliard, city of	H 390175A 01 through H 390175A 04	Mayor, 3800 Waterworks Dr., Hilliard, Ohio 43026	June 7, 1974. May 21, 1976.
Do	Highland	Hillsboro, city of	H 390269A 01 through H 390269A 04	Mayor, 108 Governor Trindle, Hillsboro, Ohio 45133	May 17, 1974. May 21, 1976.

State	County	Location	Map No.	Local map repository	Effective date of identification of areas which have special flood hazard
Do.	Henry	Holgate, village of	H 390265A 01	Mayor, Village Hall, Holgate, Ohio	May 3, 1974.
Do.	Lucas	Holland, village of	H 390659A 01	Mayor, 1245 Clarion, Holland, Ohio 43528	Apr. 12, 1974. May 21, 1976.
Do.	Trumbull	Hubbard, city of	H 390537A 01 through H 390537A 02	Mayor, 33 West Liberty, Hubbard, Ohio 44425	Apr. 12, 1974. May 21, 1976.
Do.	Jackson	Jackson, city of	H 390292A 01	Mayor, Municipal Bldg., Jackson, Ohio 45640	May 17, 1974.
Do.	Fayette	Jeffersonville, village of	H 390165A 01 through H 390165A 02	Mayor, P.O. Box 7, Jeffersonville, Ohio 54138	May 17, 1974. May 21, 1976.
Do.	Hancock	Jenera, village of	H 390246A 01	Mayor, P.O. Box 74, Jenera, Ohio 45841	Aug. 9, 1974.
Do.	Ashland	Jeromesville, village of	H 390008A 01	Mayor, Village Hall, Jeromesville, Ohio 44840	May 3, 1974. May 21, 1976.
Do.	Harrison	Jewett, village of	H 390259A 01 through H 390259A 01	Mayor, Box 69, Jewett, Ohio 43986	May 24, 1974.
Do.	Holmes	Killbuck, village of	H 390279A 01	Mayor, Box 162, Killbuck, Ohio 44637	May 3, 1974.
Do.	Logan	Lakeview, village of	H 390341A 01	Mayor, Village Hall, Lakeview, Ohio 43331	Do.
Do.	Hocking	Laurelville, village of	H 390273 01	Mayor, Village Hall, Laurelville, Ohio 43135	July 16, 1976.
Do.	Highland	Leesburg, village of	H 390270A 01	Mayor, 57 South Fairfield, Leesburg, Ohio 45135	Apr. 5, 1974.
Do.	Carroll	Leesville, village of	H 390050A 01	Acting Mayor, Town Hall, Leesville, Ohio 44639	Sept. 20, 1974.
Do.	Columbiana	Leetonia, village of	H 390084A 01	Mayor, Main St., City Hall, Leetonia, Ohio 44431	May 3, 1974.
Do.	Henry	Liberty Center, village of	H 390619A 01	Mayor, P.O. Box 92, Liberty Center, Ohio 43532	Oct. 18, 1974.
Do.	Allen	Lima, city of	H 390006A 01 through H 390006A 04	Mayor, 219 East Market, Lima, Ohio 45801	Jan. 16, 1974.
Do.	Sandusky	Lindsey, village of	H 390494A 01 through H 390494A 02	Mayor, Village Hall, Lindsey, Ohio 43442	Mar. 15, 1974. May 21, 1976.
Do.	Columbiana	Lisbon, village of	H 390085A 01	Mayor, Village Hall, Nelson Ave., Lisbon, Ohio 44432	Apr. 12, 1974.
Do.	Stark	Louisville, city of	H 390516A 01 through H 390516A 03	City Manager, 215 South Mill St., Louisville, Ohio 44641	Mar. 17, 1974. May 21, 1976.
Do.	Mahoning	Lowellville, village of	H 390620A 01	Mayor, City Bldg., Liberty St., Lowellville, Ohio 44436	Apr. 5, 1974. May 21, 1976.
Do.	Washington	Lower Salem, village of	H 390570A 01	Mayor, Village Hall, Lower Salem, Ohio 45745	Aug. 30, 1974.
Do.	Highland	Lynchburg, village of	H 390271A 01 through H 390271A 02	Mayor, 180 Lin-Kar Dr., Lynchburg, Ohio 45142	Mar. 29, 1974.
Do.	Washington	Macksburg, village of	H 390571A 01	Mayor, Village Hall, Macksburg, Ohio 45746	Aug. 23, 1974.
Do.	Morgan	Malta, village of	H 390421A 01	Mayor, P.O. Box 309, Malta, Ohio 43758	Apr. 5, 1974.
Do.	Carroll	Malvern, village of	H 390052A 01	Mayor, City Hall, Public Sq., Malvern, Ohio 44644	Jan. 23, 1974.
Do.	Adams	Manchester, village of	H 390002A 01 through H 390002A 02	Mayor, 508 East 8th St., Manchester, Ohio 45144	Apr. 5, 1974.
Do.	Meigs	Middleport, village of	H 390388A 01 through H 390388A 02	Mayor, 237 Race St., Middleport, Ohio 45760	May 31, 1974. May 21, 1976.
Do.	Erie	Milan, village of	H 390155A 01 through H 390155A 02	Mayor, Town Hall, Park St., Milan, Ohio 44846	Apr. 12, 1974. May 21, 1976.
Do.	Union	Milford Center, village of	H 390662A 01	Mayor, P.O. Box 153, Milford Center, Ohio 43045	Mar. 29, 1974.
Do.	Holmes	Millersburg, village of	H 390280A 01	Mayor, 104 West Jackson St., Millersburg, Ohio 44654	Feb. 1, 1974. May 21, 1976.
Do.	Williams	Montpelier, village of	H 390581A 01	Mayor, 211 North Jonesville, Montpelier, Ohio 43543	May 31, 1974.
Do.	Hancock	Mount Blanchard, village of	H 390248A 01	Mayor, Village Hall, Mount Blanchard, Ohio 45867	Aug. 9, 1974.
Do.	Morrow	Mount Gilead, village of	H 390424A 01 through H 390424A 02	Mayor, 72 West High St., Mount Gilead, Ohio 43338	Apr. 5, 1974. May 21, 1976.
Do.	Hamilton	Mount Healthy, city of	H 390229A 01	Mayor, City of Mount Healthy, 7700 Perry St., Doerger, Ohio 45231.	June 7, 1974.
Do.	Clermont	Neville, village of	H 390641A 01	Mayor, P.O. Box 183, Neville, Ohio 45156	Nov. 23, 1973.
Do.	Scioto	New Boston, village of	H 390497A 01	Mayor, 4259 Oak St., New Boston, Ohio 45662	May 31, 1974.
Do.	Cuyahoga	Newburgh Heights, village of.	H 390119A 01	Mayor, 4071 East 49th St., Newburgh Heights, Ohio 44105.	Mar. 15, 1974. May 21, 1976.
Do.	Tuscarawas	Newcomerstown, village of	H 390544A 01 through H 390544A 02	Mayor, 124 West Church St., Newcomerstown, Ohio 43842.	May 17, 1974.
Do.	Butler	New Miami, village of	H 390043A 01	Mayor, 208 Whitaker Ave., New Miami, Ohio 45011	Feb. 8, 1974.
Do.	Tuscarawas	New Philadelphia, city of	H 390545A 01 through H 390545A 05	Mayor, 166 East High Ave., New Philadelphia, Ohio 44663.	Mar. 15, 1974. May 21, 1976.
Do.	Columbiana	New Waterford, village of	H 390563A 01	Mayor, 3699 East Main St., New Waterford, Ohio 44445	Apr. 5, 1974. May 21, 1976.
Do.	Stark	North Canton, city of	H 390521A 01 through H 390521A 05	Mayor, 145 North Main St., North Canton, Ohio 44720	May 17, 1974. May 21, 1976.
Do.	Lorain	Oberlin, city of	H 390353A 01 through H 390353A 02	Mayor, City Hall, Oberlin, Ohio 44074	Jan. 9, 1974. May 21, 1976.
Do.	Franklin	Obetz, village of	H 390176A 01 through H 390176A 02	Mayor, 50 Obetz Ave., Obetz, Ohio 43207	Feb. 15, 1974.
Do.	Darke	Osgood, village of	H 390141A 01	Mayor, P.O. Box 126, Osgood, Ohio 45351	Aug. 30, 1974.
Do.	Paulding	Paulding, village of	H 390438A 01	Mayor, 208 North Williams St., Paulding, Ohio 45879	May 10, 1974. May 21, 1976.
Do.	do	Payne, village of	H 390439A 01	Mayor, 412 West Oak St., Payne, Ohio 45880	May 3, 1974.
Do.	Huron	Plymouth, village of	H 390287A 01 through H 390287A 02	Mayor, 25 Sandusky St., Plymouth, Ohio 44865	Do. May 21, 1976.
Do.	Meigs	Racine, village of	H 390390A 01	Mayor, Village Hall, Racine, Ohio 45771	Apr. 5, 1974. May 21, 1976.
Do.	Scioto	Rarden, village of	H 390499A 01	Mayor, Village Hall, Rarden, Ohio 45671	Aug. 23, 1974. May 21, 1976.
Do.	Brown	Ripley, village of	H 390036A 01	Mayor, 12 North 3d St., Ripley, Ohio 45167	May 31, 1974.
Do.	Meigs	Rutland, village of	H 390670A 01	Mayor, P.O. Box 267, Rutland, Ohio 45775	Nov. 8, 1974. May 21, 1976.

State	County	Location	Map No.	Local map repository	Effective date of identification of areas whic have special flood hazard
Do	Butler	7 Mile, village of	H 390045A 01	Mayor, Village Hall, 7 Mile, Ohio 45062	June 14, 1974.
Do	Belmont	Shadyside, city of	H 390031A 01	Mayor, Route No. 1, Shadyside, Ohio 45947	Nov. 23, 1973. May 21, 1976.
Do	Champaign	St. Paris, village of	H 390059A 01 through H 390059A 03	Mayor, 411 East Main St., St. Paris, Ohio 43072	June 7, 1974.
Do	Clinton	Wilmington, city of	H 390075A 01 through H 390075A 03	Mayor, 66 West Locust St., Wilmington, Ohio 45177	May 17, 1974. May 21, 1976.
Oklahoma	Grady	Chickasha, city of	H 400234A 01 through H 400234A 03	Mayor, 6th and Chickasha Ave., City Hall, Chickasha, Okla. 73018.	May 24, 1974. May 21, 1976.
Do	Tulsa	Jenks, city of	H 400209A 01 through H 400209A 14	Mayor, 123 East Main St., City Hall, Jenks, Okla. 74037	Jan. 9, 1974. May 21, 1976.
Do	Sequoyah	Moffet, town of	H 400196 01	President, Town Hall, Moffett, Okla. 74946	July 16, 1976.
Do	McClain	Newcastle, town of	H 400103A 01 through H 400103A 13	President, Town Hall, South Carr St., Newcastle, Okla. 73065.	June 7, 1974. May 21, 1976.
Do	Pottawatomie	Shawnee, city of	H 400178A 01 through H 400178A 24	City Manager, P.O. Drawer 1448, Shawnee, Okla. 74801	Dec. 27, 1974. May 21, 1976.
Do	Lincoln	Stroud, city of	H 400417 01	Mayor, City Hall, 220 West 2d St., Stroud, Okla. 74079	July 16, 1976.
Do	Cotton	Temple, town of	H 400418 01 through H 400418 02	Chairman of the Board, P.O. Box 446, Temple, Okla. 73568.	Do.
Do	Wagoner	Tullahassee, town of	H 400218 01	Mayor, P.O. Box 1222, Tullahassee, Okla. 74466	Do.
Do	Washington	Vera, town of	H 400335 01	Mayor, Vera, Okla. 74082	Do.
Do	Craig	Welch, town of	H 400451 01	Mayor, Town Hall, Welch, Okla. 74369	Do.
Oregon	Harney	Hines, city of	H 410085A 01	Mayor, City Hall, Hines, Oreg. 97738	Nov. 30, 1973. May 21, 1976.
Do	Polk	Independence, city of	H 410189A 01	Mayor, City Hall, Independence, Oreg. 97351	Dec. 28, 1973. May 21, 1976.
Do	Washington	North Plains, city of	H 410270 01	Mayor, P.O. Box 616, North Plains, Oreg. 97133	July 16, 1976.
Do	Tillamook	Rockaway, city of	H 410201A 01	Mayor, City Hall, Rockaway, Oreg. 97136	June 14, 1974. May 21, 1976.
Pennsylvania	Blair	Allegheny, township of	H 420961A 01 through H 420961A 09	Chairman, Township of Allegheny, Municipal Bldg., Duncansville, Pa. 16635.	Aug. 2, 1974. May 21, 1976.
Do	Northampton	Allen, township of	H 421928A 01 through H 421928A 06	Chairman, Township of Allen, Township Supervisors, Rural Delivery No. 3, Northampton, Pa. 18067	Sept. 6, 1974. May 21, 1976.
Do	Fayette	Belle Vernon, borough of	H 420457A 01	Mayor, 325 Main St., Belle Vernon, Pa. 15012	Jan. 16, 1974. May 21, 1976.
Do	Perry	Bloomfield, borough of	H 420748A 01	Mayor, Borough of Bloomfield, Borough Bldg., New Bloomfield, Pa. 17068.	Apr. 12, 1974.
Do	Berks	Caernarvon, township of	H 421055A 01 through H 421055A 02	Chairman of Board of Supervisors, Township of Caernarvon, Morgantown, Pa. 19543.	June 28, 1974. May 21, 1976.
Do	Washington	Canton, township of	H 421201A 01 through H 421201A 05	Chairman, Board of Supervisors, Township of Canton, Rural Delivery No. 3, Washington, Pa. 15301.	Sept. 20, 1974. May 21, 1976.
Do	Indiana	Center, township of	H 420496A 01 through H 420496A 11	Chairman, Township of Center, P.O. Box 28, Coral, Pa. 15731.	Mar. 29, 1974. May 21, 1976.
Do	Warren	Clarendon, borough of	H 421221A 01	Mayor, 12 Brown Ave., Clarendon, Pa. 16813	Sept. 6, 1974. May 21, 1976.
Do	Lancaster	Clay, township of	H 421764A 01 through H 421764A 07	Chairman, Township of Clay, Rural Delivery No. 1, Ephrata, Pa. 17522.	May 3, 1974. May 21, 1976.
Do	Mercer	Coolspring, township of	H 421863A 01 through H 421863A 04	Chairman, Township of Coolspring, Rural Delivery No. 4, Mercer, Pa. 16137.	Sept. 20, 1974. May 21, 1976.
Do	Potter	Coudersport, borough of	H 420761A 01 through H 420761A 05	Mayor, 201 South West St., Coudersport, Pa. 16915	July 19, 1974. May 21, 1976.
Do	Tioga	Deerfield, township of	H 421176A 01 through H 421176A 13	Chairman, Township of Deerfield, Rural Delivery No. 1, Knoxville, Pa. 16928.	Aug. 30, 1974. May 21, 1976.
Do	Lancaster	Drumore, township of	H 421766A 01 through H 421766A 14	Chairman, Township of Drumore, Rural Delivery No. 1, Holtwood, Pa. 17532.	Oct. 18, 1974. May 21, 1976.
Do	Bucks	Durham, township of	H 420186A 01 through H 420186A 06	Chairman, Township of Durham, Rural Delivery No. 1, Riegelsville, Pa. 18077.	Apr. 13, 1973. May 21, 1976.
Do	Lancaster	East Donegal, township of	H 421768A 01 through H 421768A 03	Chairman, Township of East Donegal, Rural Delivery No. 1, Marietta, Pa. 17547.	May 31, 1974. May 21, 1976.
Do	Westmoreland	East Huntingdon, township of.	H 422188A 01 through H 422188A 06	Chairman, Township of East Huntingdon, Box 9, Alverton, Pa. 15612.	Sept. 20, 1974. May 21, 1976.
Do	Chester	East Pikeland, township of	H 421483A 01 through H 421483A 02	Chairman, Board of Supervisors, Township of East Pikeland, Beacon Dr. West, Phoenixville, Pa. 19460.	Sept. 6, 1974. May 21, 1976.
Do	Luzerne	Exeter, township of	H 420606A 01 through H 420606A 05	Chairman, Township of Exeter, Rural Delivery No. 1, Pittston, Pa. 18643.	June 28, 1974. May 21, 1976.
Do	Westmoreland	Fairfield, township of	H 422189A 01 through H 422189A 08	Chairman, Township of Fairfield, Rural Delivery No. 1, Bolivar, Pa. 15923.	Sept. 6, 1974. May 21, 1976.
Do	Carbon	Franklin, township of	H 421014A 01 through H 421014A 02	Chairman, Township of Franklin, Rural Delivery No. 4, Lehighton, Pa. 18235.	Apr. 12, 1974. May 21, 1976.
Do	Armstrong	Gilpin, township of	H 421306A 01 through H 421306A 06	Chairman, Board of Supervisors, Township of Gilpin, Rural Delivery No. 1, Leechburg, Pa. 15656.	Sept. 20, 1974. May 21, 1976.
Do	Cambria	Hastings, borough of	H 420230A 01	Mayor, Spangler St., Hastings, Pa. 16646	July 26, 1974.
Do	Northumberland	Herndon, borough of	H 420735A 01	Mayor, Borough Bldg., Herndon, Pa. 17830	Jan. 23, 1974. May 21, 1976.
Do	Blair	Hollidaysburg, borough of	H 420162A 01	Mayor, 401 Blair St., Hollidaysburg, Pa. 16648	Oct. 12, 1973. May 21, 1976.
Do	Crawford	Hydetown, borough of	H 420350A 01 through H 420350A 04	Mayor, Township of Hydetown, 1541 Hydetown Rd., Titusville, Pa. 16354.	Aug. 2, 1974. May 21, 1976.
Do	Northumberland	Jackson, township of	H 421938A 01 through H 421938A 05	Chairman, Township of Jackson, Rural Delivery, Herndon, Pa. 17830.	Sept. 20, 1974. May 21, 1976.

State	County	Location	Map No.	Local map repository	Effective date of identification of areas which have special flood hazard
Do	Indiana	Jacksonville, borough of	H 420502A 01	Mayor, Borough of Jacksonville, Kent, Pa. 15752	Dec. 13, 1974. May 21, 1976.
Do	Allegheny	Kennedy, township of	H 421072A 01 through H 421072A 04	President of Commissioners, Township of Kennedy, 340 Forest Grove Rd., Corsopolis, Pa. 15108.	Sept. 20, 1974.
Do	Chester	Kennett Square, borough of	H 420280A 01	Mayor, West State St., Kennett Square, Pa. 19348	Dec. 28, 1973. May 21, 1976.
Do	Armstrong	Kiskiminetas, township of	H 421209A 01 through H 421209A 11	Chairman, Board of Supervisors, Township of Kiskiminetas, Star Route, Apollo, Pa. 15613.	Sept. 20, 1974. May 21, 1976.
Do	do	Kittanning, borough of	H 420096A 01 through H 420096A 03	Mayor, 1340 North Grant, Kittanning, Pa. 16201	May 31, 1974. May 21, 1976.
Do	Bucks	Langhorne, borough of	H 421074A 01	Mayor, 306 Station Ave., Langhorne, Pa. 19047	May 31, 1974.
Do	Berks	Lower Heidelberg, township of.	H 421077A 01 through H 241077A 06	Chairman, Township of Lower Heidelberg, Rural Delivery No. 5, Sinking Spring, Pa. 19608	Nov. 8, 1974. May 21, 1976.
Do	Lancaster	Martic, township of	H 421146A 01 through H 421146A 09	Chairman, Township of Martic, Rural Delivery No. 1, Pequea, Pa. 17565.	Sept. 6, 1974. May 21, 1976.
Do	Schuylkill	Minersville, borough of	H 420778A 01	Mayor, East Sunbury St., Minersville, Pa. 17954	June 28, 1975.
Do	do	New Ringgold, borough of	H 421996A 01 through H 421996A 02	Mayor, P.O. Box 104, New Ringgold, Pa. 17960	Oct. 25, 1974. May 21, 1976.
Do	Allegheny	Osborne, borough of	H 420061A 01	Mayor, Borough of Osborne, 1300 Linden St., Sewickley, Pa. 15143.	June 1, 1973.
Do	Tioga	Osceola, township of	H 421182A 01 through H 421182A 11	Chairman, Osceola, Pa. 16942	Sept. 20, 1974. May 21, 1976.
Do	Chester	Oxford, borough of	H 420284A 01 through H 420284A 02	Mayor, 45 Western Ter., Oxford, Pa. 19363	July 26, 1974. May 21, 1976.
Do	Berks	Perry, township of	H 421093A 01 through H 421093A 03	Chairman, Township of Perry, Rural Delivery No. 1, Shoemakersville, Pa. 19555.	Sept. 13, 1974. May 21, 1976.
Do	Allegheny	Plum, borough of	H 420065A 01 through H 420065A 09	Mayor, Borough of Plum, 45-5 New Texas Rd., Pittsburgh, Pa. 15239.	June 28, 1974. May 21, 1976.
Do	McKean	Port Allegany, borough of	H 420671A 01 through H 420671A 04	Mayor, 313 Catlin Ave., Port Allegany, Pa. 16743	June 28, 1974.
Do	Northampton	Portland, borough of	H 420729A 01	Mayor, Borough Bldg., Portland, Pa. 18351	Apr. 12, 1974.
Do	Allegheny	Port Vue, borough of	H 420066A 01 through H 420066A 02	President of the Council, 1191 Romine Ave., Port Vue, Pa. 15133.	Jan. 19, 1974. May 21, 1976.
Do	Schuylkill	Pottsville, city of	H 420785A 01 through H 420785A 05	Mayor, 401 North Center St., Pottsville, Pa. 17901	Aug. 2, 1974.
Do	Tioga	Richmond, township of	H 420825A 01 through H 420825A 04	Chairman, Township of Richmond, Rural Delivery No. 1, Box 255, Mansfield, Pa. 16933.	May 3, 1974. May 21, 1976.
Do	Berks	Robesonia, borough of	H 420147A 01	Mayor, 221 North Church St., Robesonia, Pa. 19551	June 28, 1974. May 21, 1976.
Do	Allegheny	Rosslyn Farms, borough of	H 420069A 01 through H 420069A 02	Mayor, Borough of Rosslyn Farms, Winthrop Rd., Carnegie, Pa. 15106.	Jan. 16, 1974.
Do	Venango	Rouseville, borough of	H 420839A 01 through H 420839A 02	Mayor, 18 Mechanic St., Rouseville, Pa. 16344	Jan. 23, 1974. May 21, 1976.
Do	Lehigh	Salisbury, township of	H 420591A 01 through H 420591A 04	President of Commissioners, Township of Salisbury, 3000 South Pike Ave., Allentown, Pa. 18103.	Dec. 28, 1973. May 21, 1976.
Do	Lycoming	Salladasburg, borough of	H 420657A 01	Mayor, Borough of Salladasburg, Rural Delivery No. 3, Jersey Shore, Pa. 17746.	Aug. 9, 1974.
Do	Montgomery	Schwenksville, borough of	H 421905A 01	Mayor, 700 Main St., Schwenksville, Pa. 19473	Oct. 25, 1974. May 21, 1976.
Do	Northumberland	Shamokin, township of	H 421159A 01 through H 421159A 10	Chairman, Township of Shamokin Rural Delivery No. 1, Paxinos, Pa. 17860.	Sept. 20, 1974. May 21, 1976.
Do	Mercer	Sharpsville, borough of	H 420682A 01 through H 420682A 04	Borough Manager, Municipal Bldg., Sharpsville, Pa. 16150	July 26, 1974. May 21, 1976.
Do	Lawrence	Shenango, township of	H 421029A 01 through H 421029A 04	Chairman, Board of Supervisors, Township of Shenango, 900 Allegheny Ave., New Castle, Pa. 16101.	June 14, 1974. May 21, 1976.
Do	Crawford	Sparta, township of	H 422398A 01 through H 422398A 11	Chairman, Township of Sparta, Rural Delivery No. 2, Spartansburg, Pa. 16434.	Jan. 17, 1975. May 21, 1976.
Do	Bucks	Springfield, township of	H 420204A 01 through H 420204A 09	Chairman, Township of Springfield, Township Bldg., Quakertown, Pa.	Dec. 28, 1973. May 21, 1976.
Do	Westmoreland	Sutersville, borough of	H 420902A 01 through H 420902A 02	Mayor, Route 1, Box 408, Sutersville, Pa. 15083	Jan. 23, 1974. May 21, 1976.
Do	Crawford	Union, township of	H 421573A 01 through H 421573A 02	Chairman, Township of Union, Rural Delivery No. 5, Meadville, Pa. 16335.	Aug. 30, 1974. May 21, 1976.

State	County	Location	Map No.	Local map repository	Effective date of identification of areas which have special flood hazard
Do	Butler	Washington, township of	H 420224A 01 through H 420224A 03	Chairman, Township of Washington, West Sunbury, Pa. 16061.	Sept. 13, 1974. May 21, 1976.
Do	Carbon	Weatherly, borough of	H 420255A 01 through H 420255A 02	Mayor, East Main St., Weatherly, Pa. 18255	May 31, 1974. May 21, 1976.
Do	Northumberland	West Cameron, township of	H 421946A 01 through H 421946A 03	Chairman, Township of West Cameron, Rural Delivery No. 2, Box 257, Shamokin, Pa. 17872.	Sept. 20, 1974. May 21, 1976.
Do	Crawford	West Mead, township of	H 420356B 01 through H 420356B 04	Chairman of Borough Council, Township of West Mead, P.O. Box 491, Meadville, Pa. 13335.	Aug. 31, 1973. Mar. 29, 1974. May 21, 1976.
Do	Westmoreland	West Newton, borough of	H 420906A 01 through H 420906A 03	President of Council, 112 South Water St., West Newton, Pa. 15089	Jan. 9, 1974. May 21, 1976.
Do	Bucks	West Rockhill, township of	H 421123A 01 through H 421123A 02	Chairman, Township of West Rockhill, Township Hall, Sellesville, Pa. 18960.	Sept. 13, 1974.
Do	Allegheny	West View, borough of	H 420086A 01 through H 420086A 03	President of Council, 442 Perrysville Ave., West View, Pa. 15229.	May 31, 1974.
Do	Blair	Williamsburg, borough of	H 420165A 01	President of Council, 305 2d St., Williamsburg, Pa. 16693	Nov. 30, 1973. May 21, 1976.
Do	Allegheny	Wilmerding, borough of	H 420091A 01	Mayor, 1100 Airbrake, Wilmerding, Pa. 15148	May 3, 1974. May 21, 1976.
Do	Cambria	Wilmore, borough of	H 420244A 01	Mayor, Box 71, Wilmore, Pa 15962	Aug. 9, 1974. May 21, 1976.
Do	Bedford	Woodbury, borough of	H 421355A 01	Mayor, Box 143, Woodbury, Pa. 16695	Jan. 31, 1975. May 21, 1976.
Do	Clinton	Woodward, township of	H 420337A 01 through H 420337A 07	Chairman, Township of Woodward, Box 672, Lock Haven, Pa. 17745.	Oct. 26, 1973. May 21, 1976.
South Carolina	Orangeburg	Rowesville, town of	H 450165A 01	Mayor, P.O. Box 146, Rowesville, S.C. 29133	Sept. 20, 1974.
South Dakota	McPherson	Eureka, city of	H 460173 01	Mayor, City Hall, Eureka, S. Dak. 57437	July 16, 1976.
Do	Minnehaha	Hartford, city of	H 460180 01	Mayor, Hartford, S. Dak. 57033	Do.
Do	Turner	Hurley, town of	H 460119 01	Mayor, Town Hall, Hurley, S. Dak. 57036	Do.
Do	Jackson	Kadoka, city of	H 460185 01	Mayor, P.O. Box 96, Kadoka, S. Dak. 57543	Do.
Tennessee	Franklin	Cowan, city of	H 470053A 01 through H 470053A 03	Mayor, P.O. Box 338, Cowan, Tenn. 37318	June 14, 1974. May 21, 1976.
Texas	Brazoria	Brazoria, city of	H 480066A 01 through H 480066A 02	Mayor, City Hall, Brazoria, Tex. 77422	Jan. 9, 1974. May 21, 1976.
Do	Brown	Brownwood, city of	H 480087A 01 through H 480087A 08	Mayor, City Hall, 110 South Greenleaf, Brownwood, Tex. 76301.	May 24, 1974. May 21, 1976.
Do	Callahan	Clyde, town of	H 480721A 01 through H 480721A 02	Mayor, Town Hall, P.O. Box 466, Clyde, Tex. 79510	July 18, 1975. May, 21, 1976.
Do	Cameron	Combes, town of	H 480104A 01 through H 480104A 02	Mayor, Town Hall, Combes, Tex. 78535	May 10, 1974.
Do	Montgomery	Conroe, city of	H 480484A 01 through H 480484A 04	Mayor, City Hall, Conroe, Tex. 77301	June 14, 1974. May 21, 1976.
Do	Kaufman	Crandall, city of	H 480409A 01 through H 480409A 02	Mayor, City Hall, P.O. Box 277, Crandall, Tex. 75114	Mar. 8, 1974. May 21, 1976.
Do	Robertson	Franklin, town of	H 480990 01	Mayor, P.O. Box 385, Franklin, Tex. 77856	July 16, 1976.
Do	Hutchinson and Moore.	Fritch, city of	H 480875 01 through H 480875 02	Mayor, P.O. Box 758, Fritch, Tex. 49036.	Do.
Do	Van Landt	Fruitvale, city of	H 481041 01 through H 481041 02	Mayor, P.O. Box 68, Fruitvale, Tex. 75127	Do.
Do	Nacogdoches	Garrison, town of	H 480949 01	Mayor, P.O. Box 207, Garrison, Tex. 75946	Do.
Do	Gregg and Upshur.	Gladewater, city of	H 480262A 01 through H 480262A 06	Mayor, City Hall, Gladewater, Tex. 77550	Mar. 1, 1974. May 21, 1976.
Do	Goliad	Goliad, city of	H 480828 01	Mayor, P.O. Box 408, Goliad, Tex. 77063	July 16, 1976.
Do	Nolan	Roscoe, city of	H 480501 01	Mayor, City Hall, 115 Cypress St., Roscoe, Tex. 79545	Do.
Do	Bastrop	Smithville, city of	H 480024A 01 through H 480024A 02	Mayor, City Hall, 317 Main St., Smithville, Tex. 78957	Apr. 5, 1974. May 21, 1976.
Do	Palo Pinto	Strawn, city of	H 480965 01	Mayor, City Hall, Strawn, Tex. 76475	July 16, 1976.
Do	Lynn	Wilson, town of	H 480922 01	Mayor, Town Hall, Wilson, Tex. 79381	Do.
Utah	Utah	Springville, city of	H 490163A 01 through H 490163A 02	Mayor, City Hall, Springville, Utah 84663	Feb. 1, 1974. May 21, 1976.
Vermont	Orange	Orange, town of	H 500239A 01 through H 500239A 12	Chairman, Orange Planning Commission, East Barre, Vt. 05649.	Jan. 31, 1974. May 21, 1976.
Virginia		Clifton Forge, city of	H 510038A 01	Mayor, Box 631, Clifton Forge, Va. 24422	Feb. 8, 1974. May 21, 1976.
Do	Charlotte	Drakes Branch, town of	H 510032A 01 through H 510032A 02	Mayor, Box 191, Drakes Branch, Va. 23937	Aug. 9, 1974. May 21, 1976.
Do	Rockingham	Mount Crawford, town of	H 510224A 01	Mayor, Municipal Bldg., Mount Crawford, Va. 22841	Aug. 16, 1974.
Do	Prince William	Quantico, town of	H 510232A 01	Mayor, Box 152, Quantico, Va. 22134	Nov. 1, 1974. May 21, 1976.
Do		Radford, city of	H 510127 01 through H 510127 02	Mayor, 619 2d St., Radford, Va. 24141	July 16, 1976.
Do	Fauquier	Remington, town of	H 510056A 01	Mayor, Box 185, Remington, Va. 22734	Nov. 15, 1974. May 21, 1976.
Do	Isle of Wight	Smithfield, town of	H 510081A 01 through H 510081A 02	Mayor, Box 246, Smithfield, Va. 23430	June 21, 1974. May 21, 1976.
Do	Roanoke	Vinton, town of	H 510131A 01 through H 510131A 02	Mayor, Box 338, Vinton, Va. 24179	July 19, 1974. May 21, 1976.
Do	Wythe	Wytheville, town of	H 510181A 01 through H 510181A 02	Mayor, Drawer 533, Wytheville, Va. 24382	June 28, 1974. May 21, 1976.

State	County	Location	Map No.	Local map repository	Effective date of identification of areas which have special flood hazard
Washington	Chelan	Cashmere, town of	H 530016A 01	Mayor, Town Hall, 101 Woodring St., Cashmere, Wash. 98815.	Apr. 5, 1974. May 21, 1976.
Do	Cowlitz	Castle Rock, city of	H 530277 01	Mayor, Box 396, Castle Rock, Wash. 98611	July 16, 1976.
Wisconsin	Portage	Amhurst, village of	H 550332A 01	Village President, P.O. Box 19, Amhurst, Wis. 54406	Jan. 9, 1974. May 21, 1976.
Do	Grant	Bagley, village of	H 550145A 01	Village President, P.O. Box 212, Bagley, Wis. 53801	Aug. 30, 1974. May 21, 1976.
Do	Bayfield	Bayfield, city of	H 550017 01	Mayor, City Hall, Bayfield, Wis. 54814	July 16, 1976.
Do	Shawano	Bonduel, village of	H 550414 01	Village President, Route 2, Bonduel, Wis. 54107	Do.
Do	Lafayette	Belmont, village of	H 550225A 01	Village President, Box 192, Belmont, Wis. 53510	May 17, 1974. May 21, 1976.
Do	Jackson	Black River Falls, city of	H 550186A 01 through H 550186A 02	Mayor, Box 229, Black River Falls, Wis. 54615	Dec. 17, 1973. May 21, 1976.
Do	Chippewa	Bloomer, city of	H 550042A 01	Mayor, 1503 Main St., Bloomer, Wis. 54724	May 24, 1974. May 21, 1976.
Do	Marathon	Brokaw, village of	H 550247A 01	Village President, Village Hall, Brokaw, Wis. 54417	Dec. 17, 1973. May 21, 1976.
Do	Calumet	Chilton, city of	H 550037A 01	Mayor, 42 School St., Chilton, Wis. 53014	Apr. 12, 1974. May 21, 1976.
Do	Chippewa	Cornell, city of	H 550045A 01 through H 550045A 02	Mayor, City Hall, Cornell, Wis. 54732	Dec. 17, 1973. May 21, 1976.
Do	Dane	De Forest, village of	H 550082A 01	Village President, Village Hall, DeForest, Wis. 53532	Dec. 7, 1973. May 21, 1976.
Do	Waupaca	Embarrass, village of	H 550495A 01	Village President, Box 101, Embarrass, Wis. 54933	Dec. 17, 1973. May 21, 1976.
Do	Milwaukee	Fox Point, village of	H 550274A 01 through H 550274A 02	Village President, 7200 North Santa Monica Blvd., Fox Point, Wis. 53215.	Mar. 1, 1974.
Do	Oconto	Gillett, city of	H 550295A 01	Mayor, City Hall, Gillett, Wis. 54124	Apr. 12, 1974. May 21, 1976.
Do	Sauk	Ironton, village of	H 550293A 01	Village President, Box 97, Ironton, Wis. 53938	Aug. 16, 1974.
Do	Washington	Jackson, village of	H 550520A 01	Village President, Village Hall, Jackson, Wis. 53037	Dec. 28, 1973.
Do	Waukesha	Lannon, village of	H 550482A 01	Village President, Village Hall, Lannon, Wis. 53406	Dec. 28, 1973. May 21, 1976.
Do	Oconto	Lena, village of	H 550296A 01	Village President, Village Hall, Lena, Wis. 54139	June 28, 1974.
Do	Richland	Lone Rock, village of	H 550329A 01	Village President, Village Hall, Lone Rock, Wis. 53556	May 17, 1974.
Do	Pierce	Malden Rock, village of	H 550327A 01	Village President, Village Hall, Malden Rock, Wis. 54750	July 19, 1974. May 21, 1976.
Do	Marathon	Marathon City, village of	H 550252A 01	Village President, Village Hall, Marathon, Wis. 54448	Nov. 30, 1973.
Do	Waukesha	Merton, village of	H 550484A 01 through H 550484A 02	Village President, 6041 Main St., Merton, Wis. 53056	Dec. 28, 1973. May 21, 1976.
Do	Grant	Muscoda, village of	H 550153A 01	Village President, Village Hall, Muscoda, Wis. 53573	May 10, 1974.
Do	Marinette	Niagara, village of	H 550262A 01 through H 550262A 02	Village President, 857 Main St., Niagara, Wis. 54151	Feb. 1, 1974. May 21, 1976.
Do	Price	Phillips, city of	H 550345A 01 through H 550345A 02	Mayor, Box 21, Phillips, Wis. 54555	Jan. 9, 1974. May 21, 1976.
Do	Sauk	Rock Springs, village of	H 550403A 01	Village President, Village Hall, Rock Springs, Wis. 53961	Dec. 17, 1973. May 21, 1976.
Do	Portage	Rosholt, village of	H 550341A 01	Village President, Rosholt, Wis. 54473	Aug. 30, 1974. May 21, 1976.
Do	Fond Du Lac	St. Cloud, village of	H 550142A 01	Village President, Village Hall, St. Cloud, Wis. 53079	Dec. 28, 1973. May 21, 1976.
Do	Marathon	Stratford, village of	H 550256A 01 through H 550256A 02	Village President, Village Hall, Stratford, Wis. 54484	Dec. 17, 1973. May 21, 1976.

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

Issued: May 13, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76–15093 Filed 5–24–76;8:45 am]

Title 7—Agriculture

CHAPTER I—AGRICULTURAL MARKETING SERVICE (STANDARDS, INSPECTION, MARKETING PRACTICES), DEPARTMENT OF AGRICULTURE

PART 51—FRESH FRUITS, VEGETABLES AND OTHER PRODUCTS, INSPECTION, CERTIFICATION AND STANDARDS

United States Standards for Grades of Fresh Fruits, Vegetables, Nuts and Other Special Products [1]

On October 6, 1975, a notice of proposed rulemaking was published in the FEDERAL REGISTER (40 FR 46115) concerning issuance of policy on establishing uniform grade nomenclature for United States standards for grades of fresh fruits, vegetables, nuts and other special products (7 CFR § 51.100) pursuant to the Agricultural Marketing Act of 1946 (60 Stat. 1087, as amended; 7 U.S.C. 1621–1627), which provides for the issuance of official U.S. grades to designate different levels of quality for the voluntary use of producers, buyers and consumers. Official grading services are also provided under this act upon request of any financially interested party and upon payment of a fee to cover the cost of such services.

STATEMENT OF CONSIDERATIONS LEADING TO THE ISSUANCE OF POLICY ON UNIFORM GRADE NOMENCLATURE

For a number of years there has been interest and concern on the part of industry groups, legislators, consumers and the Department in the variations in grade names used in the grade standards for fresh fruits and vegetables. In January 1975 the General Accounting Office recomended to Congress that the Secretary of Agriculture "revise existing regulations to make grade designations more uniform and easier for consumers and industry to understand." The National Association of State Departments of Agriculture has urged the Department to develop uniform grade names. Members of the 94th Congress has introduced legislation calling for uniform grade nomenlature for all foods and for mandatory grading and grade labeling.

The first fresh fruit and vegetable grade standards established were for potatoes in 1917. Since then standards have been established for many commodities. At present there are 152 grade standards covering 82 different fresh fruits and vegetables. These grade standards are

[1] Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug and Cosmetic Act or with applicable State laws and regulations.

voluntary and were developed in consultation with representatives of producers, receivers and consumers, following three basic principles: (1) There must be a need for the standards; (2) There must be interest and support for the use of the standards; and (3) The standards must be partical to use.

In developing grade standards for a commodity the full range of quality produced is considered. The number of grades provided depends to a large extent on the number of distinct gradations of quality that the industry makes which is usually governed by the relative value of the product. The new policy would not preclude the existing practice of providing only the number of grades in standards necessary to describe the full range of quality for that commodity.

As the grade standards were developed or revised over the years, it was usually members of the particular commodity industry concerned, like the potato growers, shippers and the apple packers, who had the most influence on what grade terminology was selected. There are good reasons why the grade terminology evolved that way. But as marketing becomes more complex it is much more important to have a system of simplified nomenclature that everyone can easily understand and use.

It is the industry's responsibility as well as the Department's to help consumers get the quality they desire. A simplified uniform grade nomenclature that consumers and everyone in the marketing system could understand will help consumers select the quality they want.

Following publication of the proposal in the FEDERAL REGISTER copies were widely distributed to individuals and to industry and consumer groups and organizations. Information concerning the proposal was carried on television and radio and in newspapers and trade publications.

The period for comments ended on February 15, 1976, and 224 letters of comment were received in response to the proposal. Most comments were from consumers or organizations representing them. Of the remainder of comments, most were from growers, shippers and industry organizations representing them.

Some consumer organizations and consumers in general expressed unqualified approval of the proposal. Most consumer organizations and some consumers supported the concept of uniform nomenclature but suggested that U.S. No. 1 as the top grade would be less confusing than U.S. Fancy. However, the U.S. Fancy grade represents premium quality and covers only the top quality range produced, while U.S. No. 1, the chief trading grade, represents good average quality that is practical to pack under commercial conditions and covers the bulk of the quality range produced.

Many industry members and organizations expressed complete disapproval of the proposal, as in their opinion, the proposal would be of little or no benefit to the consumer and would create substantial and costly confusion within the selling and buying framework of industry. Some industry organizations specified that the proposal was acceptable if certain existing grade subclassifications could be retained under the policy.

The Department recognizes that in certain situations strict compliance might be inappropriate and, accordingly, has provided for exceptions that would be consistent with declared policy and the promotion of consumer interests. Exceptions might include retaining grade subclassifications such as the "U.S. Export No. 1" grade in some standards and making minor changes in the standards necessary to keep them compatible with current marketing practices such as the bulk handling of commodities which may require minor changes in the application of tolerances requirement.

After consideration of all relevant matters presented by interested persons, including the proposal set forth in the aforesaid notice, the following policy on establishing uniform grade nomenclature for United States standards for grades of fresh fruits, vegetables, nuts and other special products is hereby promulgated pursuant to the Agricultural Marketing Act 1946 (60 Stat. 1087, as amended; 7 U.S.C. 1621–1627).

The new subpart shall read as follows:

Subpart—United States Standards for Grades of Fresh Fruits, Vegetables, Nuts and Other Special Products

UNIFORM GRADE NOMENCLATURE

§ 51.100 Uniform grade nomenclature.

When new U.S. standards for grades for fresh fruits, vegetables, nuts and other special products, except for raw products for processing, are issued, or when existing grade standards are revised or amended, the following grade nomenclature shall be used:

Grade name	*Definition*
U.S. Fancy	Premium quality; covers only the top quality range produced.
U.S. No. 1	The chief trading grade; represents good average quality that is practical to pack under commercial conditions; covers the bulk of the quality range produced.
U.S. No. 2	Intermediate quality between U.S. No. 1 and U.S. No. 2; noticeably superior to U.S. No. 3.
U.S. No. 3	The lowest merchantable quality practical to pack under normal conditions.

The foregoing shall apply except in situations that compliance would be considered inappropriate or unreasonable.

The policy contained in this subpart shall become effective July 1, 1976.

(Secs. 203, 205 Stat. 1087, as amended, 1090 as amended (7 U.S.C. 1622–1624).)

Dated: May 20, 1976.

DONALD E. WILKINSON,
Administrator.

[FR Doc.76–15175 Filed 5–24–76;8:45 am]

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

PART 301—DOMESTIC QUARANTINE NOTICES

Japanese Beetle; Regulated Areas

Correction

In FR Doc. 76–14100 appearing at page 19960 in the FEDERAL REGISTER of Friday, May 14, 1976 the following corrections should be made in § 301.48–2a:

1. On page 19961, second column under *"Rock Island County"*, ninth line, the word "Road" should read "Route".

2. On page 19962, first column, immediately above the paragraph headed *"Starke County"* insert *"St. Joseph County.* The entire county."

3. On page 19962, third column, in paragraph headed *"Macomb County"*, the fourth line, last letter should read "E".

4. On page 19962, third column, in paragraph headed, *"Monroe County"*, the third line, first word should read "S¼".

5. On page 19963, second column, under heading "Ohio", the eleventh line, first word should read *"Carroll"*.

CHAPTER IV—FEDERAL CROP INSURANCE CORPORATION, DEPARTMENT OF AGRICULTURE

PART 401—FEDERAL CROP INSURANCE

Regulations for the 1969 and Suceeding Crop Years

Appendix

COUNTY DESIGNATED FOR SUGAR BEET CROP INSURANCE

Pursuant to the authority contained in 7 CFR § 401.101 of the above-identified regulations, as amended, the following county is hereby added to the list of counties published in the FEDERAL REGISTER on January 9, 1976 (41 FR 1578), which were designated for sugar beet crop insurance for the 1977 crop year:

CALIFORNIA

Riverside

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

Dated: May 20, 1976.

M. R. PETERSON,
Manager, Federal Crop Insurance Corporation.

[FR Doc.76–15174 Filed 5–24–76;8:45 am]

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

[Avocado Regulation 18]

PART 915—AVOCADOS GROWN IN SOUTH FLORIDA

Quality and Maturity Requirements

Avocado Regulation 18 prescribes during the period May 31, 1976, through April 30, 1977, the following grade and maturity requirments for fresh avocados grown in South Florida: Avocados

shipped to destinations outside the production area shall grade at least U.S. No. 3 and individual fruit for specified types of avocados must be at least the prescribed minimum weights or diameters by specified dates (maturity requirements). Avocados shipped to destinations within the production area are exempted from all grade requirements, if packed in containers other than those authorized for shipments outside such area, but such avocados must also meet maturity requirements. The requirements are issued in the interest of producers and consumers and are designed to help keep immature and defective fruit off the market. Immature avocados will not ripen satisfactorily and would be unacceptable in taste.

On April 28, 1976, notice of proposed rulemaking was published in the FEDERAL REGISTER (41 FR 17748), regarding a proposed regulation to be made effective on May 31, 1976, pursuant to the marketing agreement, as amended, and Order No. 915, as amended (7 CFR Part 915), regulating the handling of avocados grown in South Florida. Such proposed regulation was recommended by the Avocado Administrative Committee established pursuant to the said marketing agreement and order. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The notice allowed interested persons until May 10, 1976, to submit written data, views, or arguments in connection with the proposed regulation. None were received.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the recommendation and information submitted by the Avocado Administrative Committee (established pursuant to the marketing agreement and order), and other available information, it is hereby found and determined that the regulation, as hereinafter set forth, is in accordance with the provisions of the said amended marketing agreement and order and will tend to effectuate the declared policy of the act.

The regulation hereinafter set forth is based upon an appraisal of current and prospective crop and market conditions. Total 1976–77 season fresh shipments of Florida avocados is estimated at 950,000 bushels, as compared with fresh shipments of about 1,097,000 bushels in the 1975–76 season. If realized, 1976–77 shipments would be the second largest quantity of record. The regulation is designed to assure shipment of fruit of a quality and maturity acceptable to consumers in the respective distribution areas in the interest of consumers and producers consistent with the objectives of the act.

It is hereby further found that it is impracticable and contrary to the public interest to give further notice and postpone the effective date of this regulation until June 24, 1976 (5 U.S.C. 553), and good cause exists for making the provisions hereof effective as hereinafter set forth in that (1) shipments of the current crop of avocados are expected to begin on or about the effective date hereof, and this regulation should be applicable, insofar as practicable, to all such shipments in order to effectuate the declared policy of the act; (2) the recommendations upon which this regulation is based were developed by the committee at an open meeting on April 7, 1976, after due notice thereof, and all interested persons present were given an opportunity to express their views; (3) a notice of proposed regulation for Florida avocados was published in the FEDERAL REGISTER (41 FR 17748); (4) the regulation herein specified, except for one minor correction, is the same as the proposed regulation.

§ 915.318 Avocado Regulation 18.

(a) *Order.* (1) During the period May 31, 1976, through April 30, 1977, no handler shall handle any avocados unless such avocados grade at least U.S. No. 3 grade: *Provided,* That avocados which fail to meet the requirements of such grade may be handled within the production area, if such avocados meet all other applicable requirements of this section and are handled in containers other than the containers prescribed in § 915.305, as amended (7 CFR Part 915; 40 F.R. 52605), for the handling of avocados between the production area and any point outside thereof;

(2) On and after the effective date of this regulation, except as otherwise provided in subparagraphs (10) and (11) of this paragraph, no avocados of the varieties listed in Column 1 of the following Table I shall be handled prior to the date listed for the respective variety in Column 2 of such table, and thereafter each such variety shall be handled only in conformance with subparagraphs (3), (4), (5), (6), (7), (8), and (9) hereof.

TABLE I

Variety	Date	Minimum weight or diameter	Date	Minimum weight or diameter	Date	Minimum weight or diameter	Date
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Kosel	5-31-76	16 oz	6-14-76	13 oz	6-28-76	10 oz	7-12-76
Arue	5-31-76	16 oz	6-14-76	14 oz 3 3/16 in	7-19-76		
Roland 22	6-14-76	22 oz	6-28-76	20 oz	12-27-76		
J. M. Poropat	6-28-76	17 oz 3 5/16 in	12-27-76				
Fuchs	6-21-76	14 oz 3 3/16 in	7- 5-76	12 oz 3 3/16 in	7-19-76	10 oz 2 15/16 in	8- 9-76
K-5	6-28-76	18 oz 3 5/16 in	7-12-76	14 oz 3 3/16 in.	7-26-76		
Dr. DuPuis #2	6-21-76	16 oz 3 5/16 in	7- 5-76	14 oz 3 3/16 in	7-19-76		
Hardee	7- 5-76	16 oz 3 3/16 in	7-12-76	14 oz 2 15/16 in	8- 2-76		
Pollock	7- 5-76	18 oz 3 1/16 in	7-19-76	16 oz 3 3/16 in	8- 2-76		
Simmonds	7- 5-76	16 oz 3 3/16 in	7-19-76	14 oz 3 3/16 in	8- 2-76		
Nadir	7- 5-76	14 oz 3 3/16 in	7-12-76	12 oz 3 3/16 in	7-19-76	10 oz 2 15/16 in	8- 2-76
Katherine	7- 5-76	16 oz	7-19-76	14 oz	8- 2-76		
Haile	7- 5-76	20 oz	7-19-76	16 oz	7-26-76	14 oz	8-16-76
Ruehle	7-19-76	18 oz 3 1/16 in	7-26-76	16 oz 3 3/16 in	8- 2-76	14 oz 3 3/16 in	8-30-76
Dawn	7-12-76	12 oz 3 1/16 in	8- 2-76	10 oz 3 3/16 in	8-16-76		
Webb 2	7-19-76	18 oz	8- 2-76	16 oz	8-16-76		
Biondo	8- 2-76	15 oz	12-27-76				
Cash	7-19-76	16 oz	12-27-76				
Peterson	7-26-76	14 oz 3 3/16 in	8- 9-76	10 oz 3 3/16 in	8-23-76	8 oz 2 15/16 in	9- 6-76
Gretchen	8- 2-76	14 oz	8-16-76	12 oz	8-30-76		
Trapp	8-16-76	14 oz 3 19/16 in	8-30-76	12 oz 3 3/16 in	9-13-76		
Waldin	8-16-76	16 oz 3 3/16 in	8-30-76	14 oz 3 3/16 in	9-13-76	12 oz 3 5/16 in	9-27-76
Pinelli	8- 2-76	18 oz 3 13/16 in	8-16-76	16 oz 3 19/16 in	8-30-76		
Miguel	8- 2-76	22 oz 3 13/16 in	8-16-76	20 oz 3 13/16 in	8-30-76	18 oz 3 19/16 in	9-13-76
Nesbitt	8- 2-76	22 oz 3 13/16 in	8-16-76	18 oz 3 5/16 in	8-23-76	16 oz 3 5/16 in	9-13-76
Beta	8-16-76	18 oz 3 5/16 in	8-23-76	16 oz 3 5/16 in	9-13-76		
K-9	8-16-76	16 oz	9- 6-76				
Tower 2	8-16-76	14 oz	8-30-76	12 oz	9-27-76		

TABLE I—Continued

Variety	Date	Minimum weight or diameter	Date	Minimum weight or diameter	Date	Minimum weight or diameter	Date
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Shula	8-16-76	22 oz	9- 6-76				
Tonnage	8-30-76	14 oz 3⅝ in	9- 6-76	12 oz 3⅝ in	9-13-76	10 oz 2¹³⁄₁₆ in	9-20-76
Fairchild	8-30-76	16 oz 3⅝ in	9-13-76	14 oz 3⅝ in	9-27-76	12 oz 3⅝ in	10- 4-76
Nirody	8-30-76	18 oz 3¹⁵⁄₁₆ in	9-13-76	16 oz 3¹³⁄₁₆ in	9-27-76		
Black Prince	9-13-76	23 oz	9-27-76	16 oz	10-18 76		
Catalina	9-13-76	24 oz	9-20-76	22 oz	10- 4-76		
Csonka	9-20-76	22 oz	12-27-76				
Guatemalan Seedling	9-20-76	15 oz	10-18-76	13 oz	12-20-76		
Blair	9-13-76	16 oz	9-27-76	14 oz 3⅝ in	10-18-76		
Collinson	9-27-76	16 oz 3¹⁵⁄₁₆ in	10-25-76				
Chica	9-27-76	12 oz 3⅞ in	10-11-76	10 oz 3⅝ in	10-25-76		
Rue	9-27-76	30 oz 4⅜ in	10- 4-76	24 oz 3¹⁵⁄₁₆ in	10-18-76	18 oz 3¹⁵⁄₁₆ in	11- 1-76
Brooks 1978	10-11-76	10 oz	10-18-76	8 oz	12-27-76		
Booth 5	10- 4-76	16 oz 3¹³⁄₁₆ in	10-25-76				
Hickson	10- 4-76	15 oz 3⅝ in	10-18-76	12 oz 3¹³⁄₁₆ in	10-25-76		
Simpson	10- 4-76	16 oz 3⅝ in	10-25-76				
Vaca	10- 4-76	16 oz 3⅝ in	10-25-76				
Sherman	10- 4-76	16 oz	10-18-76	14 oz	11- 1-76	10 oz	11-22-76
Marcus	10- 4-76	32 oz	11-15-76				
Booth 10	10-11-76	16 oz 3¹⁹⁄₁₆) in	11- 8-76				
Booth 7	9-27-76	18 oz 3¹³⁄₁₆) in	10-11-76	16 oz 3¹⁹⁄₁₆) in	10-25-76	14 oz 3⅝) in	11- 8-76
Avon	10-11-76	15 oz 3¹³⁄₁₆) in	11- 1-76				
Booth 11	10-11-76	16 oz 3¹²⁄₁₆) in	11- 1-76				
Leona	10-11-76	18 oz 3¹⁹⁄₁₆) in	10-25-76				
Winslowson	10-11-76	18 oz 3¹⁵⁄₁₆) in	11- 1-76				
Nelson	10-11-76	14 oz 3⅝) in	10-25-76	12 oz 3⅝) in	11- 8-76	10 oz 3¹⁄₁₆) in	11-29-76
Hall	10-11-76	26 oz 3¹³⁄₁₆) in	10-25-76	20 oz 3⅝) in	11- 8-76		
Lula	10-18-76	18 oz 3¹³⁄₁₆) in	11- 1-76	14 oz 3⅝) in	11-15-76		
Choquette	10-18-76	24 oz 4¹⁄₁₆) in	11- 1-76	20 oz 3¹⁵⁄₁₆) in	11-22-76		
Monroe	11-15-76	24 oz 4¹⁄₁₆) in	11-29-76	20 oz 3¹⁵⁄₁₆) in	12-13-76		
Herman	10-18-76	16 oz 3⅞) in	11- 1-76	14 oz 3⅝) in	11-15-76		
Murphy	10-18-76	16 oz	11- 1-76	14 oz	11-15-76	11 oz	12- 6-76
Ajax (B-7-B)	10-25-76	18 oz 3¹⁵⁄₁₆ in.	11-15 76				
Booth 1	11-22-76	16 oz 3¹²⁄₁₆ in	12-13-76				
Booth 3	10-25-76	16 oz 3¹⁹⁄₁₆ in	11-15-76				
Taylor	10-25-76	14 oz 3⅝ in	11- 8-76	12 oz 3⅝ in	11-22-76		
Dunedin	11- 8-76	16 oz 3¹⁹⁄₁₆ in	11-22-76	14 oz 3⅝ in	12- 6-76	10 oz 3¹⁄₁₆ in	12-27-76
Byars	11-15-76	16 oz 3¹³⁄₁₆ in	12- 6-76				
Linda	11-15-76	18 oz 3¹²⁄₁₆ in	12- 6-76				
Nabal	11-15-76	14 oz 3⅝ in	12- 6-76				
Zio	11-29-76	12 oz	12-13-76	10 oz	12-27-76		
Wagner	12- 6-76	12 oz 3⅝ in	12-20-76	10 oz 3⅜ in	1- 3-76		
Maya	12-27-76	13 oz	1-10-77	11 oz	1-24-77		
Brookslate	1-10-77	14 oz	1-24-77	12 oz	2- 7-77	10 oz	2-21-77
Schmidt	1-17-77						
Itzamna	2-14-77						

(3) From the date listed for the respective variety in Column 2 of Table I to the date listed for the respective variety in Column 4 of such table, no handler shall handle any avocados of such variety unless the individual fruit weighs at least the ounces specified for the respective variety in Column 3 of such table or is of at least the diameter specified for such variety in said Column 3;

(4) From the date listed for the respective variety in Column 4 of Table I to the date listed for the respective variety in Column 6 of such table, no handler shall handle any avocados of such variety unless the individual fruit weighs at least the ounces specified for the respective variety in Column 5 of such table or is of at least the diameter specified for such variety in said Column 5;

(5) From the date listed for the respective variety in Column 6 of Table I to the date listed for the respective variety in Column 8 of such table, no handler shall handle any avocados of such variety unless the individual fruit weighs at least the ounces specified for the respective variety in Column 7 of such table or is of at least the diameter specified for such variety in said Column 7;

(6) No handler shall handle (i) prior to August 23, 1976, any Lisa variety avocados, (ii) during the period August 23, 1976, through August 29, 1976, any Lisa variety avocados unless the individual fruit in each lot of such avocados weighs at least 12 ounces, (iii) during the period August 30, 1976, through September 5, 1976, any Lisa variety avocados unless the individual fruit in each lot of such avocados weighs at least 11 ounces, (iv) during the period September 6, 1976, through September 12, 1976, any Lisa variety avocados unless the individual fruit in each lot of such avocados weighs at least 10 ounces, (v) during the period September 13, 1976, through September 19, 1976, any Lisa variety avocados unless the individual fruit in each lot of such avocados weighs at least 9 ounces;

(7) No handler shall handle (i) prior to September 13, 1976, any Booth 8 variety avocados, (ii) during the period September 13, 1976, through October 3, 1976, any Booth 8 variety avocados unless the individual fruit in each lot of such avocados weighs at least 16 ounces, or is at least 3⁹⁄₁₆ inches in diameter, or (iii) during the period October 4, 1976, through October 17, 1976, any Booth 8 variety avocados unless the individual fruit in each lot of such avocados weighs at least 14 ounces, or is at least 3⁹⁄₁₆ inches in diameter, or (iv) during the period October 18, 1976, through October 31, 1976, any Booth 8 variety avocados unless the individual fruit in each lot of such avocados weighs at least 12 ounces, or is at least 3¹⁵⁄₁₆ inches in diameter, or (v) during the period November 1, 1976, through November 14, 1976, any Booth 8 variety avocados unless the individual fruit in each lot of such avocados weighs at least 10 ounces or is at least 3¹⁵⁄₁₆ inches in diameter.

(8) Except as otherwise provided in paragraphs (a) (10) and (11) of this section, varieties of the West Indian type of avocados not listed in Table I shall not be handled except in accordance with the following terms and conditions:

(i) Such avocados shall not be handled prior to July 5, 1976.

(ii) From July 5, 1976, through August 1, 1976, the individual fruit in each lot of such avocados shall weigh at least 18 ounces.

(iii) From August 2, 1976, through September 5, 1976, the individual fruit in each lot of such avocados shall weigh at least 16 ounces.

(iv) From September 6, 1976, through October 3, 1976, the individual fruit in each lot of such avocados shall weigh at least 14 ounces.

(9) Except as otherwise provided in paragraphs (a) (10) and (11) of this section, varieties of avocados not covered by paragraphs (a) (2) through (8) hereof shall not be handled except in accordance with the following terms and conditions:

(i) Such avocados shall not be handled prior to September 20, 1976.

(ii) From September 20, 1976, through October 17, 1976, the individual fruit in each lot of such avocados shall weigh at least 15 ounces.

(iii) From October 18, 1976, through December 19, 1976, the individual fruit in each lot of such avocados shall weigh at least 13 ounces.

(10) Notwithstanding the provisions of paragraphs (a) (2) through (9) hereof regarding the minimum weight or diameter for individual fruit, up to 10 percent, by count, of the individual fruit contained in each lot may weigh less than the minimum specified weight and be less than the minimum specified diameter: *Provided*, That such avocados weigh not more than two ounces less than the applicable specified weight for the particular variety as prescribed in Columns 3, 5, or 7 of Table I or in paragraphs (a) (6), (7), (8), and (9). Such tolerances shall be on a lot basis; but not to exceed double such tolerances shall be permitted for an individual container in a lot.

(11) The provisions of paragraphs (a) (2) through (10) of this section shall not apply to any variety, except the Linda variety, of avocados which, when mature, normally change color to any shade of red or purple and any portion of the skin of the individual fruit has changed to the color for that fruit when mature.

(b) Terms used in the amended marketing and order, when used herein, have the same meaning as is given to the respective term in said marketing agreement and order; the term "diameter" shall mean the greatest dimension measured at right angles to a line from the stem to the blossom end of the fruit; and the term "U.S. No. 3" shall have the same meaning as set forth in the United States Standards for Florida avocados (7 CFR 51.3050–51.3069).

(c) The provisions of this regulation shall become effective May 31, 1976.

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

Dated: May 20, 1976, to become effective May 31, 1976.

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

[FR Doc.76-15245 Filed 5-24-76;8:45 am]

Title 20—Employees' Benefits

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

[Regulations Nos. 1 and 5]

PART 401—DISCLOSURE OF OFFICIAL RECORDS AND INFORMATION

PART 405—FEDERAL HEALTH INSURANCE FOR THE AGED AND DISABLED (1965— —)

Disclosure of Information Where Physician Frequently Submits Erroneous Certifications or Inappropriate Plans of Treatment; Presumed Coverage of Post-Hospital Services

On July 9, 1975, there was published in the FEDERAL REGISTER (40 FR 28810) a Notice of Proposed Rule Making with proposed amendments to Regulations No. 1 and Subparts A and P of Regulations No. 5 of the Social Security Administration (20 CFR Parts 401, 405). The proposed amendments implement section 228 of Pub. L. 92–603, the Social Security Amendments of 1972 which provides for limited periods of presumed coverage of post-hospital extended care and post-hospital home health services for those individuals who have those specific medical conditions designated in the regulations and whose physicians submit the required certifications and plans of treatment. The amendments also provide authority to disclose the name of a physician whose certifications or plans of treatment have been found not to be acceptable for purposes of the presumed coverage provision to any provider, claimant, or prospective claimant for benefits or payments, his duly authorized representative, and to other parties in interest. However, the proposed amendments provide that such a physician must be afforded a reasonable opportunity for an administrative hearing before such a finding is implemented.

Interested parties were given the opportunity to submit in writing on or before August 8, 1975, and subsequently extended to August 23, 1975, any data, views, or arguments pertaining to the proposed amendments. Comments were received from a variety of sources including representatives of national, State, and local organizations. The comments and suggestions received, responses thereto, and changes made in the regulations as proposed are discussed below.

1. A large group of comments received mistakenly interpreted the regulations as placing new limitations on post-hospital coverage or expressed the fear that the regulations would result in such limitations unless it was made very clear to intermediaries that the periods of guaranteed coverage are not the maximum period allowable under Medicare. To avoid such limitations, some of the comments recommend that the regulations include an additional provision to guarantee payment for more home health visits or skilled nursing facility days than those specified in the regulations where an individual patient's condition warrants. Since the law directs that the time periods guaranteed for the various medical conditions should be the minimum generally required for such conditions, this approach could not be adopted. However, the regulations have been modified to clearly emphasize that the presumed number of skilled nursing facility days or home health visits are not the maximum number for which payment will be made and that additional days or visits are reimbursable where the patient's condition indicates that the additional care is required. The operating instructions which are being prepared for providers and intermediaries will also make this point clear.

2. Many of the comments received expressed concern over the requirement that the physician's certification and plan of treatment for home health services be submitted in writing prior to the first home health visit. The comments stated that this requirement would be extremely difficult, if not impossible, to meet in cases in which the physician orders care to start immediately upon discharge from the institution but the home health agency is not notified of the patient's need for services until the day of discharge from the hospital or skilled nursing facility. It was, therefore, suggested that the regulations be revised to permit oral compliance with this requirement prior to the first visit to be followed as soon as practical by written compliance. The Department recognizes the merit of the concerns expressed. However, it is felt that a presumption of eligibility before services begin should be based on written evidence and that without written documentation the possibility of erroneous payment exists. The only way to assure that correct payment is being made for a condition listed in the regulations is for the physician to submit the necessary documentations in writing prior to the first chargeable visit. Thus, the requirement that the physician's certification and plan of treatment be submitted in writing prior to the first visit, while not specifically stated in the statute, is considered an inherent requirement of the statute and, therefore, must be retained.

3. Many of the comments received also expressed concern with the statement in the regulations that the number of home health visits designated is predicated on the assumption that the length of such visits will be the usual and customary time for a skilled visit, i.e., that the required skilled service can be furnished in one hour or less. It was stated that because of the amount and variety of services that are performed by nurses during a nursing visit such visits may require more than an hour. This statement in the regulations has been modified to indicate that the length of time for visits should be the usual and customary time needed for such services.

4. A number of the comments received viewed the regulations as restricting or discouraging a home health agency from furnishing the presumed visits on a daily basis or more frequently than specified in the medical conditions. It is not the intent of the regulation to in any way restrict the way a plan of treatment may allocate the number of visits shown for any given condition within the presumed period. Accordingly, the regulations have been revised to make clear the flexibility with which the guaranteed visits may be allocated.

5. Some comments expressed the opinion that the method followed in the regulations of giving only the largest number of home health visits where a patient requires several types of nursing services may not allow sufficient time for adequate treatment of home health patients with multiple or secondary medical conditions. It was suggested, therefore, that the total number of visits for each type of nursing service required should be

granted. This comment was not accepted. It was recognized that patients having multiple conditions may require care over a longer period of time than those with a single condition. However, it was felt that where an individual needed several types of nursing service in most instances he would need to receive them simultaneously. Therefore, since various types of nursing services can be provided during a single visit even though the services are for different purposes, it was felt that allowing the longer of the two periods was equitable and consistent with the intent of the law that payment be guaranteed for only the minimum period for which covered care may be presumed to exist for a particular medical condition.

6. Many comments expressed the view that the presumed coverage periods are too narrow with respect to the number of home health visits and the time frames in which the visits are presumed to be covered. As a result of the reevaluation of the presumed periods in light of these comments some changes have been made in both the time frames and the number of visits guaranteed for some services.

7. Some comments suggested that additional medical conditions be added to the final regulations and that for certain of the conditions already listed in the regulations additional sub-categories be included. It would require considerable time to complete the identification and development of additional medical conditions. Since this would delay the adoption and implementation of these regulations, it was decided not to make such changes at this time. However, the Department agrees that it is desirable to add to the medical conditions listed in the regulations, and the regulations will be revised periodically in the future for this purpose. In addition, the Department will examine from time to time those conditions listed in the regulations with a view to determining whether the descriptions or the time frames established for the conditions should be modified on the basis of additional program experience and changes in medical care practice.

8. The comment was made that certain intermediaries have already devised presumed coverage plans which are superior to that provided for in the regulations, i.e., are more liberal. While intermediaries may apply preliminary screening parameters to identify cases in which payment will very probably be made, these regulations provide the only procedures by which payment may be guaranteed in advance.

9. Many of the comments suggested that (a) presumed coverage for home health services not be limited ot Part A but be extended to Part B as well; (b) the requirement which stipulates that the physician has the responsibility for developing and establishing and signing the plan of treatment be modified to permit other health professionals such as the licensed nurse, occupational therapist, or physical therapist to establish the plan of treatment; and (c) presumed coverage for home health services be extended to occupational therapy, home health aide visits and medical social services. Because these are specific statutory requirements or limitations these suggestions could not be adopted.

10. Some comments suggested that the regulations be revised to indicate whether the use of the presumed coverage provision is optional or mandatory. The regulations have been modified to make it clear that use of the provision is optional with the physician and is dependent upon his certifying that his patient has one of the listed medical conditions for which program payment can be guaranteed and submitting the necessary plan of treatment.

11. A few comments suggested that there should be a clear-cut delineation, as there is in state licensure practice acts, between physical therapy and nursing services, where the regulations specify that the skilled services the patient needs would be covered as either a skilled nursing or physical therapy visit. Since professional advice received indicates that the skilled services with respect to which such a choice is provided are those which are legally and appropriately a function of either discipline and could be performed by either one, these comments were not adopted. Which professional will be used depends on the physician's plan of treatment.

12. Comments were also received which expressed the view that the subject regulations penalize those patients living in regions where shorter hospital stays are the norm by not allowing correspondingly more post-hospital care. Although the length of hospital stays was taken into consideration in developing the presumed coverage periods, the variations in lengths of hospital stays were not considered significant since the presumed periods were developed with the objective of guaranteeing program payment for minimum periods of time.

13. Other comments included the opinion that skilled nursing facilities are receiving a greater share of the presumed coverage benefit than home health agencies and that this favoritism will encourage transfer of patients to skilled nursing facilities and discourage home health utilization. In a similar vein, the comment was made that because of the limited number of proposed medical conditions and the limited number of visits allowed, the regulations will tend to produce longer institutionalization and consequently reduce home care. The Department does not agree with these comments. Since coverage of care in a skilled nursing facility is contingent upon the patients requiring daily skilled care which as a practical matter can only be provided on inpatient basis in a skilled nursing facility, it is not possible to equate the skilled nursing facility benefit with the home health benefit and make valid comparisons between lengths of stay and number of visits.

14. One comment expressed the view that the number of home health visits proposed for an aphasic patient is not adequate for a patient who has not had post-hospital extended care. Since the presumed coverage period established is the minimum number of visits generally needed by patients irrespective of whether or not the patient has had post-hospital extended care prior to his discharge to his home, this comment was not accepted.

15. Another comment suggested that a physician found to have been submitting, with some frequency, erroneous certifications or inappropriate treatment plans should receive an administrative hearing prior to any determination by the Secretary. The regulations have been modified to indicate that a physician will receive a notice of the proposed determination and will be given the opportunity to request an administrative hearing before such determination becomes effective. After the hearing, or based on the evidence on the record if a hearing is not requested, the physician will be sent written notice of the determination at least 15 days before the effective date of such determination.

16. Several comments expressed concern regarding the relatively short time frame within which the physician must request a hearing in view of the uncertainty of the mails. This comment was adopted. The time limit for requesting an administrative hearing has been extended from 10-working days to 30-calendar days from the mailing date of such notice of proposed determination.

17. Comments were also received suggesting that the term "with some frequency" as it is used in connection with the Secretary's determination that a physician is submitting erroneous certifications or inappropriate plans of treatment be defined. The Department agrees there is a need for criteria to be used to determine whether a physician is submitting "with some frequency" erroneous certifications or inappropriate plans of treatment. However, since additional time is required to ensure the establishment of valid criteria for this purpose, the Department felt that issuance of these regulations should not be delayed pending completion of the development of such criteria. When developed they will be issued as amendments to these regulations.

18. A comment was received which suggested that the regulations be revised to protect providers from retroactive denials in cases where the Secretary has determined a physician's certifications or plans of treatment to be unacceptable for purposes of the presumed coverage provision by authorizing payment until the provider has been properly notified of the Secretary's decision. Although the instructions to be issued to all intermediaries and providers will make provision for timely notice to providers in these cases, the statute is not broad enough to provide a guarantee of payment under those circumstances.

19. Another comment suggested the elimination of the requirement that the physician who establishes the home health plan of treatment must also be

the same person who signs the certification. This suggestion was not adopted. As the regulations indicate, the Secretary is charged with the responsibility of determining whether a physician is submitting with some frequency erroneous certifications or inappropriate plans of treatment in connection with the presumed coverage provision. Since the plan of treatment in effect documents the physician's certification that the individual needs the covered care for a condition set out in the regulations, it is felt that the statute contemplates these functions be performed by the same physician. These requirements complement and reinforce each other. If the physician's responsibility for the plan of treatment and certification were separated, the Secretary would find it very difficult to make the determination as to whether a physician is in fact submitting with some frequency erroneous certifications or inappropriate plans of treatment. In addition, with respect to home health care, it would be unusual to have more than one physician with a detailed knowledge of a patient's condition. Since the same principle applies to presumed coverage cases involving post-hospital extended care services, the regulations have been modified to state that in such cases, the same physician who submits the certification must also establish the plan of treatment.

20. Comments were also received which expressed concern that the regulations will result in increased paperwork or administrative costs due to the belief that in order to receive further home health reimbursement after the presumed period, the physician will have to recertify the patient's need for continuing care and establish a new plan of treatment. It was felt that physicians may be unwilling to go to this extra effort and as a result may stop referring patients for home health care. The regulations have been revised to make it clear that it is not necessary for the physicians to recertify the patient's need for continuing care and establish a new plan of treatment at the end of the presumed coverage period but rather that the usual 60-day recertification requirement applies. Additionally, the regulations have been revised to indicate that when the physician establishes the original plan of treatment he must specify all the services to be provided, irrespective of the fact that all of these services may not be guaranteed under the presumed coverage provision; e.g., if the patient requires home health aide services or medical social services the physician plan of treatment must so indicate.

21. One comment objected to the provision for termination of a presumed coverage period when a utilization review committee determines that the stay or further stay is not medically necessary and argued that the inclusion of this requirement is inconsistent with the intent of the presumed coverage provision, which is to encourage the use of post-hospital services without the fear of retroactive denial. This comment further stated that if the patient meets the criteria for presumed coverage established in the regulations, there should be no retroactive denial for the period specified for any reason. The utilization review committee provision is included in the regulations to reflect and be consistent with section 1814(a)(7) of the Act, which provides that payment may not be made in any cases where the utilization review committee of a skilled nursing facility determines, in the course of a sample or other review of admissions, that post-hospital extended care services are not medically necessary. The Department believes it would be inconsistent to presume that the patient still requires posthospital extended care services, and inappropriate to continue to pay for that care, after a medical judgment has been made by a utilization review committee that such care is not medically necessary. The presumed coverage amendment did not intend that the Medicare program should pay for an entire presumed coverage period of skilled nursing facility care notwithstanding the fact a utilization review committee has determined that the care was noncovered upon admission, or that due to a change in the beneficiary's medical condition covered care is no longer required. Moreover, since there would be no retroactive denials in such situations, in that the law provides that payment may be terminated only prospectively in cases involving an adverse utilization review committee decision, i.e., 3 days following notice to the provider of the decision, the Department believes that the termination of payment in such cases is not inconsistent with the intent of the presumed coverage provision and the requirement has therefore been retained. A question was also raised as to whether a skilled nursing facility's utilization review committee is required to review each presumed coverage case upon admission to the skilled nursing facility and whether the physician would have an opportunity to defend his position in the event of an adverse decision by the utilization review committee. As the cross reference in § 405.133(a)(4) indicates, the regulatory requirements relating to adverse decisions made by a skilled nursing facility's utilization review committee are set out in §§ 405.166 and 405.1137 (e) of the regulations. As § 405.1137(e) indicates, a skilled nursing facility's utilization review committee is required only to review a sample of admissions. Accordingly, a skilled nursing facility's utilization review committee is not required to review all presumed coverage cases. However, the utilization committee is required to notify the physician of a proposed adverse decision and give him the opportunity to present his views. Therefore, if a utilization review committee proposes to make an adverse decision on any presumed coverage case reviewed as part of the committee's sample review of admissions, the physician will be notified of the proposed decision and be given an opportunity to present his views.

Accordingly, with these changes and additions, the proposed amendments are adopted as set forth below.

(Secs. 205, 1102, 1106, 1814 (h) and (l), and 1871, 49 Stat. 624 as amended, 49 Stat. 647 as amended, 53 Stat. 1398, as amended, 86 Stat. 1407 and 79 Stat. 331 (42 U.S.C., 405, 1302, 1306, 1395f (h) and (l), and 1395hh).)

Effective date: These amendments shall be effective June 24, 1976.

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

Dated: March 12, 1976.

J. B. CARDWELL,
Commissioner of Social Security.

Approved: May 12, 1976.

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

PART 401—DISCLOSURE OF OFFICIAL RECORDS AND INFORMATION

1. Section 401.3 is amended by adding thereto new paragraph (w) to read as follows:

§ 401.3 Information which may be disclosed and to whom.

Disclosure of any such file, record, report, or other paper, or information, is hereby authorized in the following cases and for the following purposes:

* * * * *

(w) To any provider, claimant or prospective claimant for benefits or payments, his duly authorized representative, and to other parties in interest, the name of any physician who has been found by the Secretary to have been submitting, with some frequency, in connection with title XVIII claims falling within the scope of § 405.133 of this chapter:

(1) Certifications that erroneously indicate that the patient's medical condition is among those listed in § 405.133(c) or § 405.133(d); or

(2) Plans for providing services which are inappropriate and do not reflect a level of care which would qualify an individual for post-hospital extended care services or post-hospital home health services, i.e., a covered level of care (see § 405.133(a)); except that the name of any such physician shall not be disclosed pursuant to such a finding unless such physician has first been afforded a reasonable opportunity for an administrative hearing before the Secretary's finding becomes effective (see § 405.133 (b)).

PART 405—FEDERAL HEALTH INSURANCE FOR THE AGED AND DISABLED

2. § 405.133 is added to read as follows:

§ 405.133 Post-hospital extended care and post-hospital home health services; presumed coverage procedure.

(a) *Eligibility for presumed coverage.* To qualify for extended care benefits upon admission to a skilled nursing facility a beneficiary must need on a daily basis skilled nursing care (provided directly by or requiring the supervision of skilled nursing personnel) or other skilled rehabilitation services, which as a practical matter can only be provided

in a skilled nursing facility on an inpatient basis, for any of the conditions with respect to which he was receiving inpatient hospital services prior to transfer to the skilled nursing facility (see §§ 405.126–405.128(a)). To qualify for part A home health benefits upon admission to care by a home health agency following a qualifying inpatient stay a beneficiary must be confined to his home, under the care of a physician and must be in need of skilled nursing care on an intermittent basis, physical therapy or speech therapy (speech pathology) for a condition for which he received medically necessary inpatient hospital services or post-hospital extended care services. An individual who has a medical condition listed in paragraph (c) of this section (in the case of post-hospital extended care services) or paragraph (d) of this section (in the case of post-hospital home health services) is presumed to require this level of care for the period of time or number of visits specified for such condition provided:

(1) A physician submits in writing the required certification (see §§ 405.165, 405.170, 405.1632, and 405.1633) to the provider prior to or at the time of such individual's admission to a skilled nursing facility or in a timely fashion prior to the first chargeable post-hospital home health visit made to the individual;

(2) The certification indicates that the individual's medical condition is a condition set out in paragraph (c) or paragraph (d) of this section;

(3) The physician's certification is accompanied by a written plan of treatment for providing the required post-hospital extended care services or the post-hospital home health services;

(4) There is no adverse finding by the skilled nursing facility's utilization review committee that the stay or any further stay is medically unnecessary (see §§ 405.166 and 405.1137(e)); and

(5) The Secretary has not determined for purposes of the presumed coverage provision that the physician is submitting, with some frequency, erroneous certifications or plans for providing services which are inappropriate (see paragraph (b) of this section).

Where any of these requirements are not met, i.e., the physician does not submit a certification because the individual does not have a medical condition described in the regulations or the physician does not elect to certify to one of the medical conditions contained in the regulations, or one of the other requirements listed is not met, the individual is not eligible for a presumed period of coverage. However, although payment cannot be guaranteed in advance in such cases, payment under the program would nevertheless be made in such cases where the facts in the individual case establish a need for covered post-hospital extended care services or post-hospital home health services. In any case all other pertinent requirements for entitlement to post-hospital extended care or post-hospital home health benefits must be met. (See §§ 405.120 and 405.131). An individual is not eligible for more than one period of presumed coverage for each skilled nursing facility admission or admission to care by a home health agency following a qualifying inpatient stay. The periods of presumed coverage which have been established for the medical conditions designated in the regulations are not intended to encompass the entire period of care an individual may require. Individuals who require covered care beyond the presumed coverage period (or within the presumed coverage period, in the case of individuals who require addisides those included in the visits specified in the regulations for their medical conditions) would be eligible to have payment made for such care where the facts show in the individual case that the care needed is the type which would qualify an individual for post-hospital extended care benefits or post-hospital home health benefits. The medical conditions designated in the regulations represent an initial listing of those conditions which generally require a covered level of extended care services or home health services following hospitalization, taking into account such factors as the medical severity of such conditions, the degree of incapacity, the type of services required and the minimum length of stay in a skilled nursing facility or the minimum period of home confinement generally needed for such conditions. These regulations will be revised periodically to include additional medical conditions which subsequent program experience indicates are the type which require covered care.

(b) *Unacceptable physician certifications and plans of treatment.* Where the Secretary determines that a physician is submitting with some frequency:

(1) Certifications that erroneously indicate that the patient's medical condition is among those listed in paragraph (c) or paragraph (d) of this section, or

(2) Plans for providing services which are inappropriate and do not reflect a level of care which would qualify an individual for post-hospital extended care services or post-hospital home health services, i.e., a covered level of care (see paragraph (a) of this section), certifications and plans of treatment executed by such a physician on or after the effective date of the notice to the physician of the Secretary's final determination will not be acceptable for purposes of the presumed coverage provision.

(i) *Notice of proposed determination.* Whenever the Secretary proposes, on the basis of appropriate evidence, to make a finding that a physician has submitted with some frequency erroneous certifications or inappropriate treatment plans, as outlined in paragraph (b) (1) and (2) of this section, he shall give written notice to the physician of his intention not to accept the physician's certifications and treatment plans for purposes of the presumed coverage provision, and to disclose the physician's name to any provider, claimant, prospective claimant for benefits or payments, his duly authorized representative, and to other parties in interest within the provisions of Regulation No. 1 (20 CFR 401.3(w)). Such notice of the proposed determination shall be mailed to the physician's last known address. It shall state the reasons for the proposed determination and advise the physician that he may, within 30-calendar days from the mailing date of such notice of proposed determination, submit a written request for an administrative hearing; and that he may submit any pertinent evidence as to why the proposed determination should not be put into effect. The notice shall inform the physician that should he not request a hearing within the time period prescribed, the proposed determination of the Secretary shall become the final determination.

(ii) *Conduct of the administrative hearing.* The administrative hearing shall be conducted before a hearing officer of the Social Security Administration who has not had any involvement in the proposed determination. The hearing officer shall inquire fully into the matter at issue and shall receive in evidence the testimony of witnesses and any documents which are relevant and material. The physician shall be entitled to examine and question the evidence and to present and cross-examine witnesses. The physician may be represented by counsel or any other qualified representatives.

(iii) *Hearing officer's decision.* As soon as practicable after the close of an administrative hearing, the hearing officer shall make a decision in the case which shall be based upon the evidence adduced at the hearing or otherwise included in the hearing record. The decision shall be made in writing and contain findings of fact and statement of reasons. A copy shall be mailed to the physician at his last known address. If the hearing officer determines that the proposed determination not to accept the physician's certifications and plans of treatment is correct, the hearing decision shall indicate that it shall be effective 15 days from the date of notice thereof.

(iv) *Notice of final determination.* In those cases in which a hearing is requested, the hearing officer's decision, described in paragraph (b)(2)(iii) of this section, shall constitute the final determination of the Secretary. In those cases where no hearing is requested within the 30-day period described in paragraph (b)(2)(i) of this section, the Secretary shall send the physician final notice of the decision after the 30-day period has elapsed. The notice shall state that the determination of the Secretary is now final and that it shall be effective 15 days after the date of the notice.

(v) *Effect of final determination.* A determination shall remain in effect until the Secretary finds that there is reasonable assurance that the reasons for his determination will not recur.

(c) *Medical conditions eligible for presumed coverage of post-hospital extended care services.* An individual whose eligibility for post-hospital extended care services is based on one of the following

medical conditions and who meets all of the requirements of paragraph (a) of this section is presumed to require on a daily basis skilled nursing care (provided directly by or requiring the supervision of skilled nursing personnel) or other skilled rehabilitation services, which as a practical matter can only be provided in a skilled nursing facility on an inpatient basis, for the period of time specified below for each condition. Where an individual has more than one of the conditions specified below, the individual is eligible for the presumed period of coverage for the condition which presumes the longest period of coverage for extended care services.

Medical condition:	*Presumed period of covered skilled nursing facility care (days)*
1. Acute cerebrovascular accident (CVA) resulting from hemorrhage, thrombosis, embolism, brain injury, or tumor (CVA reason for qualifying hospital stay or occurred during hospital stay).	
Qualifying criteria: Hemiplegia and/or aphasia which requires on a daily basis skilled nursing care, physical therapy, occupational therapy, speech therapy (speech pathology), or a combination thereof—admitted directly from the hospital to skilled nursing facility	15
2. Fracture of femur—neck or shaft, and/or fracture of pelvis or acetabulum.	
Qualifying criteria: Nonweight bearing stage following surgery or reduction, complicated by presence of infection, delayed union or aseptic necrosis; and/or a complicating secondary medical condition(s), necessitated daily skilled nursing observation and/or skilled management—admitted directly from hospital to skilled nursing facility.	
A. Open reduction	15
B. Closed reduction	21
3. Post-arthroplasty of hip with prosthetic device (surgery performed during the hospitalization immediately prior to admission to skilled nursing facility)—admitted directly from hospital to skilled nursing facility	15
4. Malignancies.	
Qualifying criteria: Admitted directly from hosptial to skilled nursing facility for:	
A. Administration of anticarcinogenic chemotherapeutic agents	14
B. Postoperative care	10
C. Terminal care—Patient in terminal stage of illness and is unable to function outside of skilled nursing facility because of need for skilled management of care required on a daily basis	14
5. Diabetes Mellitus	
Qualifying Criteria: Admitted directly from hospital to skilled nursing facility with:	
A. Presence of gangrene, ulceration, or unstable peripheral neuropathy	14
B. Below knee amputation requiring prosthesis (amputation performed during the hospitalization immediately prior to admission to skilled nursing facility)	14
C. Above knee amputation requiring prosthesis (amputation performed during the hospitalization immediately prior to admission to skilled nursing facility)	21
6. Disease of digestive system which required colostomy, ileostomy, or gastrostomy.	
Qualifying criteria: Admitted directly from hospital to skilled nursing facility for: Diet control and training required (surgery performed during hospitalization immediately prior to admission to skilled nursing facility)	10
7. Congestive heart failure complicated by disorders of rhythm and/or requring additional drug or anticoagulant stabilization—admitted directly from hospital to skilled nursing facility	10
8. Myocardial infarction with recurring bouts of angina and/or complicated by disorders of rhythm and/or congestive heart failure—admitted directly from hospital to skilled nursing facility	14
9. Chronic obstructive pulmonary disease complicated by acute respiratory infection and/or congestive heart failure—admitted directly from hospital to skilled nursing facility	14

(d) *Medical conditions eligible for presumed coverage of post-hospital home health services.* An individual whose eligibility for post-hospital home health services is based on the need for one of the skilled services described below for the treatment of his medical condition and who meets all of the requirements of paragraph (a) of this section is presumed to require skilled nursing care on an intermittent basis or physical therapy or speech therapy (speech pathology) for the number of home health visits designated below. The

number of home health visits designated is predicated on the assumption that the length of such visits will be the usual and customary time for such visits. Where an individual's medical condition necessitates more than one of the types of skilled services specified below, and each type requires the same kind of visit, e.g., both require nursing visits, the individual is eligible for the presumed number of visits for the skilled service which presumes the largest number of home health visits. However, where each type of skilled service needed requires different kinds of visits, e.g., skilled nursing and speech therapy (speech pathology) visits, the individual is eligible for the presumed number of visits for each type of skilled services (see § 405.133(a)). The number of visits designated may be allocated in any combination so long as the visits do not exceed the total number of visits shown or the total time frame specified.

Skilled services	*Presumed number of covered home health visits*
1. Skilled observation for any unstabilized condition characterized by significant fluctuations in vital signs or marked edema or elevated blood sugar levels.	Nine skilled nursing visits in a 3-week period.
2. Application of dressings involving prescription medications and aseptic techniques because of the presence of open wounds, extensive decubitus ulcers, or other widespread skin disorders.	Ten skilled nursing visits in a 2-week period.
3. A. Instructions in colostomy, ileostomy, or gastrostomy care.	Five skilled nursing visits in a 2-week period.
B. Instructions in the routine care of an indwelling catheter.	Three skilled nursing visits in a 2-week period.
C. Instruction in tube feeding technique.	Six skilled nursing visits in a 1-week period.
D. Instruction of a newly diagnosed diabetic in a diabetic regimen, i.e., training in diet, the administration of insulin injections, urine tests, skin care, etc.	Eight skilled nursing visits in a 3-week period.
E. Instruction of a recent [1] hip fracture patient, or family members, in an exercise program and/or in the use of crutches, a walker, or a cane.	Four skilled nursing or four physical therapy visits in a 2-week period.
F. Instruction of a recent [1] post-arthroplasty of hip patient or a recent [1] above or below knee amputation patient in the use of a prosthetic device.	Four skilled nursing or four physical therapy visits in a 2-week period.
G. Instruction of a patient who requires respiratory therapy in the use of special equipment such as an IPPB machine or oxygen units.	Three skilled nursing visits in a 2-week period.
H. Instruction in postural drainage procedures and pulmonary exercises.	Three skilled nursing or three physical therapy visits in a 2-week period.
I. Administration of anticarcinogenic chemotherapeutic agents.	Four skilled nursing visits in a 2-week period.
4. Skilled physical therapy services and/or speech therapy (speech pathology) services to restore functions impaired by a recent [1] cerebrovascular accident resulting in hemiplegia and/or aphasia.	Five physical therapy and/or five speech therapy (speech pathology) visits in a 2-week period.

[1] Recent means the medical condition was either the reason for the qualifying hospital or skilled nursing facility stay or occurred during the qualifying stay.

3. § 405.165 is revised to read as follows:

§ 405.165 Payment for post-hospital extended care services; conditions.

Payment may be made under this Subpart A for post-hospital extended care services only if:

(a) Written request for such payment is filed by or on behalf of the individual to whom such services were furnished; and

(b) When required, a physican (other than a doctor of podiatry or surgical chiropody) certifies and recertifies (see Subpart P of this part) that such services are or were required to be given because the individual needs or needed on a daily basis skilled nursing care (provided directly by or requiring the supervision of skilled nursing personnel) or other skilled rehabilitation services, which as a practical matter can only be provided in a skilled nursing facility on an inpatient basis:

(1) For any of the conditions with respect to which he was receiving inpatient hospital services (or services which would constitute inpatient hospital services if the institution had met the necessary requirements relating respectively to a utilization review plan (see § 405.1035) and such other requirements as the Secretary finds necessary in the interest of health and safety (see § 405.1001 et seq. for qualification as a "hospital")) prior to transfer to the skilled nursing facility; or

(2) For a condition requiring such extended care services which arose after such transfer and while he was still in the facility for treatment of any of the conditions for which he was receiving such inpatient hospital services; and

(c) In the case of a presumed period of coverage of post-hospital extended care services the requirements of § 405.133 are met; and

(d) The prohibitions against payment, described in §§ 405.166 and 405.167, are not applicable.

4. § 405.170 is amended by revising paragraphs (b)(3) and (b)(4) and adding new paragraph (c) to read as follows:

§ 405.170 Payment for post-hospital home health services; Conditions.

Payment may be made under this Subpart A for post-hospital home health services only if:

* * * * *

(b) When required a physician (other than a doctor of podiatry or surgical chiropody) certifies and recertifies (see Subpart P of this part) that: * * *

(3) A written plan for furnishing such services to such individual has been established and is periodically reviewed by a physician (other than a doctor of podiatry or surgical chiropody);

(4) The services were furnished while the individual was under the care of a physician (other than a doctor of podiatry or surgical chiropody); and

(c) In the case of presumed coverage of post-hospital home health visits the requirements of § 405.133 are met.

5. In § 405.1632, paragraphs (a) and (c) are revised to read as follows:

§ 405.1632 Post-hospital extended care services; certification and recertification.

(a) *Certification.* (1) The required physician's statement should certify that: (i) Post-hospital extended care services are or were required to be given because the individual needs or needed on a daily basis skilled nursing care (provided directly by or requiring the supervision of skilled nursing personnel) or other skilled rehabilitation services, which as a practical matter can only be provided in a skilled nursing facility on an inpatient basis, for any of the conditions with respect to which he was receiving inpatient hospital services (see § 405.116) or services which would constitute inpatient hospital services if the institution met the conditions of participation for hospitals (see Subpart J of this Part 405) except those relating to utilization review and health and safety requirements, prior to transfer to the skilled nursing facility; and (ii) in a presumed coverage case (see § 405.133) that the medical condition of the individual is a condition designated in regulations.

(2) The certification should be signed by the physician responsible for the case or, where so authorized by the responsible physician, by a physician on the staff of the skilled nursing facility or the physician who is available in case of an emergency who has knowledge of the case. In a presumed coverage case (see § 405.133), the physician certification must be submitted to the skilled nursing facility prior to or at the time of admission to the skilled nursing facility and must be accompanied by a written plan of treatment for providing the required post-hospital extended care services, established by the same physician who makes the required certification. In all other cases the physician's certification should be obtained at the time of admission, or as soon thereafter as is reasonable and practicable.

* * * * *

(c) *Timing of recertification.* In cases not involving a period of presumed coverage (see § 405.133), the first recertification is required no later than as of the 14th day of extended care services. A skilled nursing facility may, at its option, provide for the first recertification to be made earlier, or it can vary the timing of the first recertification within the 14-day period by diagnostic or clinical categories. Subsequent recertifications are to be made at intervals not exceeding 30 days. Such recertifications may be made at shorter intervals as established by the utilization review committee and the skilled nursing facility. At the option of the skilled nursing facility, review of a stay of extended duration, pursuant to the facility's utilization review plan, may take the place of the second and any subsequent physician recertifications. The skilled nursing facility should have available in its files a written description of the procedure it adopts with respect to the timing of recertifications—that is, the intervals at which recertifications are required, and whether review of long-stay cases by the utilization review committee serves as an alternative to recertification by a physician in the case of the second or subsequent recertifications. In cases involving a period of presumed coverage, the timing of the first recertification will depend upon the length of the presumed period of coverage. Where the presumed period of coverage is 13 days or less the recertification requirements are the same as those for cases not involving a period of presumed coverage. However, where the presumed period of coverage is 14 days or more the first recertification is required no later than as of the last day of the presumed period of coverage with subsequent recertifications being required at intervals not exceeding 30 days.

* * * * *

6. In § 405.1633, paragraphs (a)(2) and (b) are revised to read as follows:

§ 405.1633 Home health services; certification and recertification

(a) * * *

(2) In addition, for post-hospital home health services under the hospital insurance program, the required physician's statement should certify that the services were needed to treat any of the conditions for which the beneficiary received inpatient hospital services (or services which would constitute inpatient hospital services if the institution met the conditions of participation for hospitals (see Subpart J of this Part 405), except those relating to utilization review and health and safety), or post-hospital extended care services during the related hospital or skilled nursing facility stay (see § 405.131) and, in a presumed coverage case, that the medical condition of the individual is a condition designated in regulations (see § 405.133). The certification should be signed by the same physician who establishes the plan of treatment. In a presumed coverage case the physician certification must be submitted in a timely fashion (see § 405.131) to the home health agency prior to the first chargeable post-hospital home health visit made to the patient and be accompanied by a written plan of treatment showing not only the home health services to be furnished which are covered under the presumed coverage provision but all other covered home health services required as well (see § 405.133). In all other cases the physician's certification should be obtained at the time the plan is established or as soon thereafter as possible.

(b) A recertification is required at intervals of at least once every two months, should be signed by the physician who reviews the plan of treatment and should preferably be obtained at a time when the plan of treatment is reviewed. The recertification statement should indicate the continuing need for services and should estimate how long home health services will be needed. Recertifications in connection with care furnished after a period of presumed coverage (see § 405.133) would also have to be made at the same intervals.

[FR Doc.76-15061 Filed 5-24-76;8:45 am]

Title 21—Food and Drugs

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

[FRL 548-1; FAP4H5053/T15]

PART 561—TOLERANCES FOR PESTICIDES IN ANIMAL FEEDS ADMINISTERED BY THE ENVIRONMENTAL PROTECTION AGENCY

2-Ethoxy-2,3-Dihydro-3,3-Dimethyl-5-Benzofuranyl Methanesulfonate

On February 11, 1975, the Environmental Protection Agency (EPA) announced (40 FR 6325) that in response to a petition (FAP 4H5053) submitted by Fisons Corp., Agricultural Chemicals Div., Two Preston Court, Bedford MA 01730, a food additive regulation had been established (21 CFR 561.235) permitting the use of the herbicide 2-ethoxy-2,3-dihydro-3,3-dimethyl-5-benzofuranyl methanesulfonate on growing sugarbeets with a tolerance of 0.5 part per million (ppm) for residues of the herbicide and its metabolites 2-hydroxy-2,3 - dihydro - 3,3-dimethyl-5-benzofuranyl methanesulfonate and 2-hydroxy - 2,3-dihydro-3,3-dimethyl-2-oxo-5-benzofuranyl methanesulfonate (both calculated as the parent compound) in sugarbeet molasses, in accordance with a temporary permit that was issued under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). This experimental program expired February 4, 1976. On March 11, 1976 the Agency announced (41 FR 10426) that the expiration date of this experimental program had been extended for two months and was to expire April 4, 1976.

Fisons Corp. has requested a one-year renewal of this tolerance both to permit continued testing to obtain additional data and to permit the marketing of sugarbeet molasses produced from sugarbeets treated in accordance with three experimental use permits (the original temporary permit which is to be renewed as an experimental use permit), and two which are to be issued, concurrently under FIFRA.

The scientific data reported and other relevant material have been evaluated, and it has been determined that the pesticide may be safely used in accordance with the provisions of the experimental use permits issued under FIFA. It has further been determined that since residues of the pesticide may result in sugarbeet molasses from the agricultural uses provided for by the experimental use permits, the one-year renewal of the food additive regulation, 21 CFR 561.236, requested by the petitioner should include a tolerance limitation.

Accordingly, a food additive regulation is established as set forth below. Any person adversely affected by this regulation may on or before June 24, 1976, file written objections with the Hearing Clerk, Environmental Protection Agency, East Tower, Room 1019, 401 M St. SW, Washington DC 20460. Such objections should be submitted in quintuplicate and should specify both provisions of the regulation deemed to be objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

Effective June 24, 1976, § 561.235 is revised as set forth below.

Dated: May 19, 1976.

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

(Sec. 409(c) (1) and (4) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346 (c) (1) and (4)).)

Section 561.235 is revised to read as follows:

§ 561.235 2 - ethoxy - 2,3 - dihydro - 3,3-dimethyl-5-benzofuranyl methanesulfonate.

(a) A tolerance of 0.5 part per million is established for combined residues of the herbicide 2-ethoxy-2,3-dihydro-3,3-dimethyl-5-benzofuranyl methanesulfonate and its metabolites 2-hydroxy-2,3-dihydro - 3,3-dimethyl - 5 - benzofuranyl methanesulfonate and 2-hydroxy-2,3-dihydro-3,3-dimethyl-2-oxo - 5 - benzofuranyl methanesulfonate (both calculated as the parent compound) in sugarbeet molasses resulting from application of the herbicide to growing sugarbeets. Such residues may be present therein only as a result of application of the herbicide in accordance with the provisions of three experimental use permits that expire May 17, 1977.

(b) Residues in sugarbeet molasses not in excess of 0.5 part per million resulting from use described in paragraph (a) of this section remaining after expiration of the experimental use program will not be considered to be actionable if the herbicide is legally applied

during the term of and in accordance with the provisions of the experimental use permits and feed additive tolerance.

(c) Fisons Corp. shall immediately notify the Environmental Protection Agency of any findings from the experimental use that have a hearing on safety. The firm shall also keep records of production, distribution, and performance and on request make the records available to any authorized officer or employee of the Environmental Protection Agency or the Food and Drug Administration.

[FR Doc.76-15134 Filed 5-24-76;8:45 am]

CHAPTER II—DRUG ENFORCEMENT ADMINISTRATION, DEPARTMENT OF JUSTICE

PART 1308—SCHEDULES OF CONTROLLED SUBSTANCES

Exempt Chemical Preparations

The Administrator of the Drug Enforcement Administration has received applications pursuant to § 1308.23 of Title 21 of the Code of Federal Regulations requesting that several chemical preparations containing controlled substances be granted the exemptions provided for § 1308.24 of Title 21 of the Code of Federal Regulations.

The Administrator hereby finds that each of the following chemical preparations and mixtures is intended for laboratory, industrial, education, or special research purposes, is not intended for general administration to a human being or other animal, and either (a) contains no narcotic controlled substances and is packaged in such a form or concentration that the package quantity does not present any significant potential for abuse, (b) contains either a narcotic or non-narcotic controlled substance and one or more adulterating or denaturing agents in such a manner, combination, quantity, proportion or concentration, that the preparation or mixture does not present any potential for abuse, or (c) the formulation of such preparation or mixture incorporates methods of denaturing or other means so that the controlled substance cannot in practice be removed, and therefore the preparation or mixture does not present any significant potential for abuse. The Administrator further finds that exemption of the following chemical preparations and mixtures is consistent with the public health and safety as well as the needs of researchers, chemical analysts, and suppliers of these products.

Therefore, pursuant to section 202(d) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 812(d)), and under the authority vested in the Attorney General by sections 301 and 501(b) of the Act (21 U.S.C. 821 and 871(b)) and delegated to the Administrator of the Drug Enforcement Administration by, and in accordance with, Regulations of the Department of Justice (Title 28 of the Code of Federal Regulations, Part 0), the Administrator of the Drug Enforcement Administration hereby orders that Part 1308 of Title 21 of the Code of Federal Regulations be amended as follows:

a. By amending § 1308.24(i) by adding the following chemical preparations:

§ 1308.24 Exempt chemical preparations.

* * * * *

(i) * * *

Manufacturer or supplier	Product name and supplier's catalog No.	Form of product	Date of application
Hoffmann-La Roche, Inc.	Abuscreen™ Radio-Immunoassay for Cocaine. Metabolite[125] I-antigen reagent.	Glass vial: 30 ml and 500 ml	Feb. 6, 1976
Do	Abuscreen™ Radio-Immunoassay for Cocaine Metabolite Positive Urine Control.	Glass vial: 6 ml and 500 ml	Do.
Nuclear Medical Laboratories, Inc.	Thyrobinding Globulin T-4-[125]I	French square bottle: 2 oz; Boston round bottle: 16 oz.	Jan. 20, 1976
Do	T-4 Antiserum (Rabbit) and T-4 RIA Diluent.	Boston round clear bottle: 4 oz; clear bottle: 7 dr and 1 dr.	Do.
Do	Liothyronine-T3-[125]I	Boston round amber bottle: 2 oz and 16 oz.	Do.
Stan-Tech Laboratories	Acid Phosphate Substrate, catalog No. 6101055.	Bottle: 4 oz, 8 oz, 12 oz, and 32 oz.	Mar. 8, 1976
Do	Alkaline Phosphatase Substrate, catalog No. 6101100.	do	Do.
Do	Thymol Buffer, catalog No. 6120015	do	Do.
Do	Barbital Buffer 0.1M pH 8.6	do	Do.
Do	Tris Barbital Buffer pH 8.8	do	Do.
Do	Hematoxylin, Mayer	do	Do.

b. By amending § 1308.24(i) by deleting the following chemical preparations:

Manufacturer or supplier	Product name and supplier's catalog No.	Form of product	Date of application
Hoffman-La Roche, Inc.	Abuscreen™ Radio-Immunoassay for Cocaine. Metabolite[125] I-antigen reagent.	Glass vial: 20 ml and 500 ml	Feb. 6, 1976
Do	Abuscreen™ Radio-Immunoassay for Cocaine Metabolite Positive Urine Control.	Glass vial: 4 ml and 100 ml	Do.
Nuclear Medical Laboratories, Inc.	Thyrobinding	French square bottle: 2 oz; Boston round bottle: 16 oz.	Jan. 20, 1976
Do	T-4 Antiserum (Rabbit)	Boston round clear bottle: 4 oz; clear bottle: 7 dr and 1 dr.	Do.

* * * * * * *

Effective date: This order is effective May 25, 1976. Any person interested may file written comments on or objections to the order on or before July 19, 1976. If any such comments or objections raise significant issues regarding any finding of fact or conclusion of law upon which the order is based, the Administrator shall immediately suspend the effectiveness of the order until he may reconsider the application in light of the comments and objections filed. Thereafter, the Administrator shall reinstate, revoke or amend his original order as he determines appropriate.

Dated: May 13, 1976.

PETER B. BENSINGER,
Administrator,
Drug Enforcement Administration.

[FR Doc.76-15071 Filed 5-24-76;8:45 am]

Title 47—Telecommunications

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

PART 0—COMMISSION ORGANIZATION

Reorganization of the Rules, Standards and Research and Education Divisions of the Broadcast Bureau

1. On March 19, 1976, the Commission adopted changes in the organization and functions of several divisions in the Broadcast Bureau designed to strengthen the bureau's policy development activities and improve its efficiency. A new Policy & Rules Division with additional functions was created in place of the Rules & Standards Division. This new division will be responsible in addition to other responsibilities, for analyzing social and economic problems relating to broadcasting and conducting or monitoring studies necessary for the development of new or revised policies. The Research and Education Division was abolished. The research functions were reassigned to the Policy & Rules Division and the educational broadcasting functions were reassigned to the Broadcast Facilities Division. The reorganization took place May 1, 1976. Part 0 of the Rules & Regulations, which describes the organization of the Commission, is being amended to reflect those changes.

2. The amendments adopted herein pertain to agency organization. The prior notice, procedure and effective date provisions of Section 4 of the Administrative Procedure Act are therefore inapplicable. Authority for the amendments adopted herein is contained in sections 4(i) and 5(b) of the Communications Act of 1934, as amended, and in § 0.231(d) of the Commission's rules.

3. In view of the foregoing, *It is ordered*, effective May 28, 1976, That Part

0 of the rules and regulations is amended as set forth below.

Adopted: May 18, 1976.

Released: May 19, 1976.

(Secs. 4, 5, 303, 48 Stat., as amended, 1066, 1068, 1082; 47 U.S.C. 154, 163, 305.)

FEDERAL COMMUNICATIONS COMMISSION,
R. D. LICHTWARDT,
Executive Director.

1. Section 0.72 is amended to read as follows:

§ 0.72 Units in the Bureau.

(a) Office of the Bureau Chief.
(b) Broadcast Facilities Division.
(c) Renewal & Transfer Division.
(d) Hearing Division.
(e) Policy & Rules Division.
(f) License Division.
(g) Office of Network Study.
(h) Complaints & Compliance Division.

2. § 0.74 is amended to read as follows:

§ 0.74 Broadcast Facilities Division.

The Broadcast Facilities Division is responsible for all functions indicated in the statement contained in § 0.71, insofar as such functions pertain to standard (AM), FM, television, international, experimental, and auxiliary broadcast services, excluding functions stated in §§ 0.75, 0.76, 0.77, and 0.81, and advises Bureau & Commission with respect to the development and promotion of the educational broadcasting services.

3. Section 0.77 is amended to read as follows:

§ 0.77 Policy & Rules Division.

The Policy & Rules Division is responsible for all functions indicated in the statement contained in § 0.71 insofar as such functions relate to the development or revision of rules and standards, engineering and legal support involving international agreements relating to the broadcasting and conducts studies necesand economic problems relating to broadcasting and conducts studies necessary for development of new or revised policies.

§ 0.79 [Reserved]

4. Section § 0.79 is deleted.

[FR Doc.76-15185 Filed 5-24-76;8:45 am]

[Docket No. 20480, RM-2519; Docket No. 20518, RM-2530, RM-2569]

PART 73—RADIO BROADCAST SERVICES

Table of Assignments, FM Broadcast Stations

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Kalkaska, Michigan) and amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Charlevoix and Traverse City, Michigan).

1. The Commission herein consolidates for consideration its Notice of Proposed Rule Making in Docket No. 20480,[1] and its Notice of Proposed Rule Making in Docket No. 20518.[2] Consolidation of the two dockets is deemed both necessary and expeditious inasmuch as certain of the proposals and counter proposals in the latter proceeding are mutually exclusive with the proposal advanced in the former.

2. In Docket No. 20480 (RM-2519), the petitioner, Roy E. Henderson ("Henderson"), sought the assignment of Channel 249A to Kalkaska, Michigan, as a first FM asignment to the community. The assignment would be of the "drop-in" variety and would require no other change in the FM Table of Assignments. In Docket No. 20518 (RM-2530, RM-2569), New Broadcasting Corporation, licensee of AM station WVOY,[3] Charlevoix, Michigan ("WVOY"), sought the assignment of Channel 290 to Charlevoix as a first FM assignment to the community. In response to the issuance of the Notice in Docket No. 20518, Radio Station WCCW, Inc. ("WCCW"), licensee of Station WCCW and WCCW-FM, Channel 221A, Traverse City, Michigan, submitted a "Petition for Rule Making and Issuance of Show Cause Order" proposing the assignment of Channel 290 to Traverse City and the modification of petitioner's existing license to specify operation on Channel 290 rather than Channel 221A. In accordance with the cutoff procedures utilized by the Commission (and set forth in the Appendix to the Notice), WCCW's petition will be considered as a counterproposal.[4] Since, under the Commission's minimum mileage separation requirements,[5] Channel 290 cannot be assigned to both Charlevoix and Traverse City,[6] the proposals of WVOY and WCCW to assign Channel 290 to Charlevoix or Traverse City, respectively, must be considered as being mutually exclusive. In subsequent pleadings filed in Docket No. 20518, WCCW pointed to the possibility of allocating Class C channels to both Charlevoix and Traverse City by assigning Channel 248 to Charlevoix and Channel 290 to Traverse City as originally requested. WCCW added that this alternative would require the assignment of Channel 240A rather than Channel 249A at Kalkaska (as requested by Henderson) and the substitution of Channel 240A for unoccupied and unapplied for Channel 249A at Rogers City, Michigan.[7] Thus, the alternative suggestion mentioned by WCCW conflicts with Henderson's proposal advanced in Docket No. 20480. Henderson filed comments in Docket No. 20518 opposing WCCW's alternative suggestion that Channel 240A instead of Channel 249A be assigned to Kalkaska.

3. The deadlines for the filing of comments and reply comments in Docket No. 20480 were July 7, 1975, and July 28, 1975, respectively. No extensions of time for the filing of comments were granted. The deadlines for the filing of comments and reply comments in Docket No. 20518 were August 11, 1975, and September 2, 1975, respectively. Again, no extensions of time for the filing of comments were granted. Nevertheless, on February 19, 1976, some five and a half months after the expiration of the reply comment deadline in Docket No. 20518, WCCW filed a "Petition for Leave to File Supplement to Reply Comments" with the Commission. Thereafter, Henderson submitted comments opposing WCCW's petition[8] and WVOY filed a "Motion to Strike or in the Alternative Petition to Accept Further Statement." WCCW responded with reply comments.

4. In urging the Commission to accept its "Supplement to Reply Comments," WCCW asserted first, that certain of the parties did not properly perceive WCCW's position, and secondly, that it had become aware of what it said were certain factual errors within the record. With regard to the former, WCCW emphasized that it continued to believe that the assignment of a Class C channel to Charlevoix was unwarranted. WCCW said it merely brought to the Commission's attention the technical feasibility of assigning Class C channels to both communities (Channel 290 to Traverse City and Channel 248 to Charlevoix) as a means of accommodating the desires of both WCCW and WVOY. WCCW said it did not propose such an allocation to Charlevoix. As for the second point, WCCW noted that its earlier preliminary engineering estimate of 1 mV/m service to be provided by a Channel 290 assignment at either Traverse City or Charlevoix required some revision in that the earlier 1 mV/m service to be provided by the assignment of Channel 290 at Charlevoix was now predicted to cover 68,000 persons instead of 57,000 persons as previously projected. The projection of 1 mV/m coverage for 110,000 persons with a Channel 290 assignment at Traverse City remained unchanged. Despite the revision, said WCCW, it was still apparent that the assignment of Channel 290 at Traverse City would result in a more efficient use of the channel. Finally, WCCW, seeking

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[1] 40 FR 22002, May 20, 1975.

[2] 40 FR 26046, June 20, 1975.

[3] On September 25, 1975, the Commission granted authority to New Broadcasting for unlimited-time operation on WVOY (BP-19872).

[4] A Public Notice to that effect was issued by the Commission on July 25, 1975.

[5] See Section 73.207(a) of the Commission's Rules.

[6] The minimum mileage separation is 180 miles for stations operating on the same channel. Charlevoix and Traverse City are less than 60 miles apart.

[7] Under WCCW's alternate suggestion, Channel 249A could not be assigned to Kalkaska since it would be short-spaced with the proposed Channel 248 assignment at Charlevoix.

[8] Henderson asserts that since WCCW's "Petition for Rule Making" was not timely filed prior to July 7, 1975, the cut-off date for comments in Docket No. 20480 (the "Kalkaska" proceeding), the counterproposal cannot be properly considered. This overlooks the fact that WCCW's "Petition for Rule looks that fact that WCCW's "Petition for Rule Making" was, in fact, timely filed in Docket No. 20518, the proceeding in which the assignment of Channel 290 was in question. We must therefore deny Henderson's request that we exclude the WCCW petition from consideration.

to reemphasize the importance of Traverse City as a regional center for comprehensive planning and development, submitted materials describing the origin, objectives, and activities of the Northwest Michigan Regional Planning and Development Commission. Urging the Commission to deny the "Petition for Leave to File Supplement to Reply Comments," WVOY responded by contending that WCCW had "totally failed to present good cause for filing its untimely comments" and asserted that the fact tha WCCW had "ineptly framed its position in previous pleadings is clearly not a basis for filing additional comments."

5. We will deny WCCW's "Petition for Leave to File Supplement to Reply Comments." As we have said before,[9] though the public interest test is paramount, "[n]evertheless we need to be concerned with procedure as well as substance in determining what best serves the public interest. Unless the applicable procedural requirements are observed, we would face difficulties in exercising our regulatory responsibilities, hardly a situation to benefit the public." "[D]eviations can be warranted but requests for such special relief must adequately demonstrate the presence of an overriding public interest justification and adequately explain the failure to observe the applicable procedural requirements." WCCW demonstrates no overriding public interest which compels acceptance of the late-filed pleading; further, no explanation is offered as to why some five and a half months elapsed before the information was proffered.[10]

6. In support of its petition to assign Channel 249A to Kalkaska (pop. 1,478),[11] Henderson describes the community (which is the county seat of Kalkaska County (pop. 5,272)) as being located fifty-five miles south of the Mackinaw Bridge which connects the "Northern Neck" of Michigan with the lower peninsula of Northern Michigan. Further, Kalkaska lies approximately 20 miles east of Traverse City. Though located in a remote area, Henderson cites recent population growth in Kalkaska and attributes that growth to the exploration and discovery of oil and gas deposits in the area. Henderson also notes that the Kalkaska area continues to be known for its sports and recreational activities. Kalkaska has no local aural service and must rely instead on distant signals from radio stations located in other communities. Henderson argues that Kalkaska has a need for its own broadcast station to serve as an outlet for expression about local needs and problems.

7. Charlevoix (pop. 3,519), the county seat of Charlevoix County (pop. 16,541), is situated on the shores of Lake Michigan, 160 miles north of Grand Rapids, Michigan, and 200 miles northeast of Milwaukee, Wisconsin. Originally a community whose economy rested primarily on lumbering, WVOY says Charlevoix's economy is now based on a combination of fruit production, general farming, and tourism. Local aural service at Charlevoix is provided by the petitioner's AM station WVOY. The population of Charlevoix is said to have increased nearly twenty-eight percent in the decade from 1960 to 1970. It is contended that the wide-area coverage of a Class C facility is needed at Charlevoix in order to provide service to the widely scattered population pockets in the area, and also to overcome the severe terrain features which, it is asserted, would impede satisfactory FM radio reception. WVOY also urges that a Class C station is needed at Charlevoix in order to provide a second FM service to persons residing in the Beaver Islands, a sizeable collection of islands located approximately twenty-four miles northwest of Charlevoix in Lake Michigan.

8. Traverse City (pop. 18,048), the county seat of Grand Traverse County (pop. 39,175), is located approximately 120 miles due north of Grand Rapids. In support of its petition, WCCW submits substantial amounts of data demonstrating that Traverse City is an economic, commercial, and industrial center as well as a regional location for many state and federal agencies. WCCW also points to the role played by agricultural production, area educational institutions, tourism, and the community's medical facilities. Traverse City is presently served by five radio stations including two AM facilities (one of which is licensed to the petitioner) and three FM outlets (the petitioner's facility, WCCW–FM, Channel 221A; WLOR, Channel 270, licensed to Great Northern Broadcasting System, Inc.; and WTCM–FM, Channel 278, licensed to Midwestern Broadcasting Co.). Other outlets for local expression include two local TV stations and one daily newspaper.

9. Inasmuch as the Notices in both dockets have discussed the merits of the two initial proposals (RM–2519 and RM–2530), we shall place those matters to the side for the time being and focus instead on the counterproposal and alternative suggestion submitted by WCCW which raise the basic conflicts among the three parties. Henderson's request for the assignment of Channel 249A to Kalkaska does not conflict with WCCW's counterproposal in Docket 20518 to assign Channel 290 to Traverse City and both assignments could therefore be made. However, a conflict does arise between Henderson's request to assign Channel 249A to Kalkaska and WCCW's alternative suggestion to assign Channel 290 to Traverse City, Channel 248 to Charlevoix, and Channel 240A to Kalkaska. Henderson, planning to colocate a Channel 249A transmitting antenna on an existing cable television receiving antenna tower in Kalkaska, says that if Channel 240A is assigned, the transmitter site will have to be located outside of the community necessitating what Henderson implies would be a prohibitive outlay of financial resources. As a result, says Henderson, should Channel 240A rather than Channel 249A be assigned to Kalkaska, he can offer no assurances that an application for operation of a station on the channel would be filed. WVOY is even more specific, asserting that if Channel 248, rather than Channel 290, is assigned to Charlevoix, it will not apply for authority to operate a station on that channel. WVOY says its decision is prompted by the fact that a transmitter site for a station operating on Channel 248 would have to be located some 15 miles northeast of Charlevoix across the bay in the vicinity of Harbor Springs, Michigan, and would require traveling 28 miles by land route and that the use of such a site would pose substantial financial and technical difficulties. Thus it appears that if we adopted the alternative suggestion mentioned by WCCW, Traverse City would be assigned a third Class C channel while Kalkaska and Charlevoix would continue to be left without local FM service—a wholly unacceptable result. We therefore conclude that the alternative suggestion is without merit since it would result in little, if any, benefit to the public interest.

10. We turn now to a consideration of the merits of Henderson's proposal. Upon review of the record, it is clear that Kalkaska is in need of a first FM channel. Further, demand for a channel has been expressed and a party has stepped forward indicating that it will seek broadcast authority if the channel is assigned. Thus, we think Channel 249A should be assigned to Kalkaska. Such an assignment is consistent with the Commission's channel assignment priorities[12] and would enhance the public interest by providing the community with its first local aural service and a first aural outlet for local expression.

11. Preclusion created by the assignment of Channel 249A to Kalkaska affects a sizeable land area north and east of Kalkaska, however, alternate channels are available for assignment to those communities located in the area of pre-

[9] Anamosa and Iowa City, Iowa, 46 F.C.C. 2d 520, 521 (1974).

[10] We have, in our discretion, reviewed the material submitted by WCCW in its "Supplement to Reply Comments." We find WCCW's reiteration of its position with regard to the assignment of a Class C channel at Charlevoix and its submission of materials relating to the Northwest Michigan Regional Planning and Development Commission to be repetitious and cumulative. Moreover, with regard to the information relating to the Planning Commission, it is clear that Attachments 2 and 3 of Appendix B were available and could have been submitted within the filing period. With respect to the engineering statement containing WCCW's upward revision of the 1 mV/m projection for coverage on Channel 290 at Charlevoix, we find the information to be decisionally insignificant.

[11] All population statistics are cited from the 1970 U.S. Census.

[12] See Anamosa and Iowa City, Ia., supra, citing Further Notice of Proposed Rule Making, Docket No. 14185, adopted July 25, 1962 (FCC 62–867) and incorporated by reference in para. 25 of the Third Report and Memorandum Opinion and Order, 40 F.C.C. 747 (1963).

clusion that do not presently have FM channels.

12. Due to the Commission's minimum mileage separation rules, the assignment of Channel 249A to Kalkaska proscribes the assignment of Channel 248 to Charlevoix, as proposed by WCCW. We are left, therefore, with the task of determining whether Channel 290 should be assigned to Traverse City or to Charlevoix.

13. Assigning Channel 290 to Traverse City provides the Commission with an opportunity to remove an existing "intermixture" situation and the alleged competitive imbalance which is said to result from that "intermixture." WCCW also notes that Channel 290 is the last Class C channel available for assignment to Traverse City. On the basis of Roanoke Rapids/Anamosa showings submitted by WCCW, the assignment would provide a second FM service to 195 persons and a third service to nearly 20,000 persons in the Traverse City area. On the other side of the balance sheet, no first FM service would be provided. Moreover, the assignment of Channel 290 would result in the placement of three Class C FM facilities in a community of slightly over 18,000 persons, a result that does not accord with established Commission policies.[13]

14. The assignment of Channel 290 to Charlevoix would provide that community with both a first local FM service and a second fulltime aural service. Though no first FM service would result, a second FM service would be provided to some 317 persons in an area of approximately 90 square miles consisting principally of the Beaver Islands.[14] WCCW's principal objection to the assignment of Channel 290 to Charlevoix is premised on our policy (to which we have on occasion made exceptions) of declining to assign Class C channels to communities the size of Charlevoix.

15. We conclude that the public interest would be better served by assigning Channel 290 to Charlevoix. First, the assignment is more consistent with the mandate of Section 307(b) of the Communications Act of 1934, as amended, which requires this Commission to effectuate a "fair * * * and equitable" distribution of radio services among the states and communities. Traverse City is, in our estimation, amply served by its current complement of assignment broadcast outlets; Charlevoix is not. Further, the assignment to Charlevoix is, in our estimation, amply served by its current complement of assigned priorities [15] which accord substantial importance to assignments which will provide a first local FM service. We believe these factors, whether considered individually or as a whole, outweigh the benefits which, it is said, would result if the assignment of Channel 290 was made to Traverse City. The elimination of a "competitive imbalance" at Traverse City does not, in our opinion, outweigh the public interest to be gained in providing Charlevoix with its first local FM service. Nor can we say that the assignment of Channel 290 at Traverse City outweighs the public benefits to be derived from the fact that both the residents of the Beaver Islands and the sizeable transient population that visits the area will receive a second source of FM broadcast programming.

16. In arguing that a Class C channel should not be assigned to Charlevoix, WCCW contends that Charlevoix is not a sufficiently important community, that the existence of widely-scattered sparse population and hilly terrain is not of such weight as to compel the assignment, and that population located in the "grey" (underserved) area that would be served by the assignment of Channeel 290 at Charlevoix bears little relationship to the community of Charlevoix. We are not persuaded by these arguments. Besides being the county seat of Charlevoix County, Charlevoix is the largest city in the county and is surrounded by a number of smaller communities, the citizens of which could reasonably be expected to look to Charlevoix for a variety of goods and services as well as news and information. Charlevoix, as the focus of a large rural county whose economy rests on farming and fruit production, is clearly isolated from any large population centers.[16] We have made assignments of higher power Class B or Class C facilities to smaller communities in order to assure that citizens living in remote areas near those communities will have access to one or more sources of local aural programming.[17] We have also made assignments of Class B or Class C channels so that there will be sufficient signal strength to overcome adverse terrain features.[18] We believe the detailed topographic data supplied by WVOY in its engineering report constitutes a sufficient showing that a "potential for extreme shadowing" exists and that Class C facilities are needed to overcome the "shadowing" problem. The assignment to Charlevoix of a Class C channel with its greater power and antenna height represents, in our estimation, the more preferable method of assuring that listeners in the Charlevoix area will be provided with a dependable broadcast signal of acceptable quality. Finally, we believe that those persons located in the "underserved" area of the Beaver Islands do have common social, economic and political ties to Charlevoix. The principal means of access to the islands consists of commercial boat and charter aircraft transportation from Charlevoix. Further, highway maintenance, law enforcement, and schools in the Beaver Islands are provided by Charlevoix County. Moreover, WVOY notes that the citizens of the Beaver Islands have two representatives on the Charlevoix County Township Board of Supervisors and vote for other elected county positions. It seems clear, therefore, that the residents of the Beaver Islands do have a special interest in receiving a local FM service from Charlevoix. With the assignment to Charlevoix of Class C Channel 290 it is possible to obtain what we believe are significant public interest benefits.

17. The assignment of Channel 290 at Charlevoix will create preclusion on the U.S. side of the U.S.-Canadian border on Channels 288A, 289, 290, 291 and 292A. In all cases the affected communities located within the preclusion areas have local FM assignments or receive FM service from nearby communities.

18. Canadian concurrence in the assignment of Channel 249A to Kalkaska and Channel 290 to Charlevoix has been obtained.[19]

19. Accordingly, *It is ordered*, That effective June 30, 1976, § 73.202(b) of the Commission's Rules (the FM Table of Assignments) is amended to read as follows for the communities designated below:

City:	Channel No.
Charlevoix, Mich	[1] 290
Kalkaska, Mich	249A

[1] Any application for this channel must specify an effective radiated power of 100 kW and antenna height of 500 feet above average terrain or equivalent.

20. *It is further ordered*, That the "Petition for Rule Making" submitted by Roy E. Henderson is granted.

21. *It is further ordered*, That the "Petition for Rule Making" submitted by New Broadcasting Corporation is granted.

22. *It is further ordered*, That the "Petition for Rule Making and Issuance of Order to Show Cause" submitted by Radio WCCW, Inc. is denied.

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[13] Further Notice of Proposed Rule Making, Docket 14185, and incorporated by reference in para. 25, Third Report and Memorandum Opinion and Order, 40 F.C.C. 747 (1963).

[14] WVOY submitted Roanoke Rapids showings which suggested that a Channel 290 assignment at Charlevoix would create a second FM service for 2,218 people in an area of 256.3 square miles, however, a staff engineering analysis indicates that the showings were not properly made since they failed to consider the operating facilities of certain stations at reasonable facility values and relied instead on existing operating values which are lower. Since the purpose of a Roanoke Rapids study is the projection of future coverage, reasonable facility values must be used even though the stations involved are presently operating below such values.

[15] See Note 13.

[16] Thus, this case can be distinguished from Bolivar, Mo., 3 F.C.C. 2d 671 (1966); Refugio, Texas, 12 F.C.C. 2d 664 (1968); and Cabool, Mo., 52 F.C.C. 2d 246 (1975) cited by WCCW since in each instance the community in question was located near a larger population center (e.g., Springfield, Mo. (pop. 120,096), Corpus Christi and Victoria, Tex. (pop. 204,525 and 41,349, respectively)).

[17] See Winner, S.D., 5 F.C.C. 2d 188, 189 (1966); Gregory, S.C., 45 F.C.C. 2d 471 (1973).

[18] Fairmont, W. Va., 40 F.C.C. 1021 (1965); Parkersburg, W. Va., 37 F.C.C. 2d 54 (1972).

[19] Pursuant to the 1947 U.S.-Canadian FM Working Agreeemnt all FM channel assignments made within 250 miles of the U.S.-Canadian border must have the concurrence of the Canadian Government.

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

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

Adopted: May 13, 1976.

Released: May 20, 1976.

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

[FR Doc.76-15214 Filed 5-24-76;8:45 am]

[Docket No. 20578; FCC 76-448]

PART 76—CABLE TELEVISION SERVICES

Technical Changes Regarding Franchise Fees

1. On August 13, 1975, the Commission released a Notice of Proposed Rulemaking in Docket 20578, FCC 75-961, 40 Fed. Reg. 34613, ——— FCC 2d ——— (1975), in which it proposed to change the wording of Section 76.31(b) of its Rules so that applications for certificates of compliance containing franchise fees inconsistent with the Rules, might be processed with less unnecessary delay. The rulemaking proposal grew out of the Report and Order in Docket 20272, FCC 75-897, 54 FCC 2d 855 (1975), in which the Commission addressed the problem of duplicative and excessive over-regulation of the cable television industry. Only four comments were filed in this proceeding, all representing operators of cable television systems. They unanimously support adoption of the proposed rule change.

2. In the Cable Television Report and Order, FCC 72-108, 36 FCC 2d 143 (1972), the Commission determined that franchise fees imposed on operators of cable television systems should not exceed 3-5 percent of gross subscriber revenues. This was codified as Section 76.31 (b) of the Commission's Rules. The limitation, it was felt, would "insure reasonableness" in that federal goals could be achieved while allowing adequate revenues to defray the costs of local regulation. Presently, applicants for certificates of compliance whose franchise fee exceeds those limits are required to return to their franchising authority and renegotiate their franchise before receiving certification. Often this leads to prolonged delay in the certificating process and, as a result, in the initiation of cable service to the community. In the majority of instances, however, the francise eventually is amended to conform with the Rules and the certificate is issued.[1]

Similarly, cable service provided by existing systems is subject to interruption at those communities where the local franchising authority may be hesitant or unwilling to accept a fee within the prescribed limits.

3. In Docket 20272, the Commission recognized its responsibility to review its regulatory procedures as part of the total effort toward reducing excessive or burdensome regulations on the cable television industry. It determined that "some of the most significant delays" in processing certificate of compliance applications occur when franchises are submitted that do not comply with the Rules. Thus, processing procedures were changed so that certificate applications no longer are held pending excision of the inconsistent franchise provisions by the franchising authority. Instead, certificates are issued, but the violative provisions are "considered null and void, having been preempted by federal regulations."[2] However, due to technical language in Section 76.31(b), the new procedure was not applied to inconsistent franchise fees. Therefore, this rulemaking proceeding was initiated to change that language to allow for uniform application of the processing procedures.

4. The proposed change will enable the Commission to treat as "null and void" any franchise fee to the extent it violates the limit imposed by § 76.31(b) of the rules and for which a waiver is not obtained. As is the case with other inconsistent franchise provisions, both the franchisee and the local authority will be notified of the inconsistent fee, and an opportunity will be provided for them to either seek a waiver of the rule or to furnish a justification. If neither occurs, or if the waiver is denied, the Commission will grant the certificate of compliance but declare the inconsistent portion of the fee to be null and void. In those cases where the local franchising authority deems the action so material as to affect the continuing validity of the franchise agreement it would be a matter of local law as to the actions it might then decide to take. The net effect of the rule will remain unchanged, but the Commission will be able to uniformly and efficiently process franchises containing fee provisions inconsistent with § 76.31(b) of the rules.

5. The comments unanimously favor adoption of the proposed rule change. They argue that present processing procedures lead to unnecessary and protracted delays while the franchising authority excises the inconsistent provision. The amended rule on the other hand, would enable the Commission to eliminate inconsistent provisions without delaying cable service in the community. They add that no significant differences exist between an inconsistent franchise fee provision and other provisions inconsistent with the rules which justify different processing procedures, and that a dual set of procedures causes confusion and uncertainty. Even more important, they say, is the situation in which an existing cable system applies for certification. If the local authority refuses to amend the franchise fee, the system operator will be faced with the alternative of continuing to operate illegally and risking a cease and desist order, or terminating his operations and selling the system for scrap value. The proposed rule, it is argued would eliminate the operator's vulnerability to such a situation.

6. We have concluded that the proposed rule change should be adopted. In our Report and Order in Docket 20272, supra, we expressed our desire to eliminate the unnecessary delays incurred by applicants with franchises containing provisions inconsistent with our rules. Our experience declaring "null and void" inconsistent provisions in the areas of "pay cable," technical standards, access, and other federally preempted areas indicates that the process works well and aids in avoiding unnecessary delays. We will be able to act directly to eliminate inconsistent fee provisions and thereby foster prompt cable television service to subscribers. Having carefully considered the comments submitted in response to our Notice we believe the new processing procedure effected by the rule change will serve the public well.

7. We also have determined that another slight change in the wording of § 76.31(b) will make clearer our position with respect to what constitutes a "reasonable" fee. The rule permits fees in excess of three percent of gross subscriber revenues upon proper justification but in no case beyond five percent. Therefore, it should be understood that any fee exceeding five percent of gross subscriber revenues is generally inconsistent with § 76.31(b). An explanation of the type of justification required for fees exceeding 3 percent of a system's gross subscriber revenues is contained in the Clarification, FCC 74-384, 46 FCC 2d 175 (1974).

8. Although the changes adopted herein are procedural in nature and do not constitute a change in the permissible level of franchise fees that may be collected by state and local authorities, we think it important to reiterate briefly why we have felt it necessary to adopt such limitations. Congress enacted the Communications Act of 1934 in order, among other things, to facilitate rapid, efficient, nation-wide and world-wide

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[1] See e.g., Oil City Cable TV Company, FCC 74-918, 48 FCC 2d 646 (1974), and Michigan CA—TV Company, FCC 75-141, 51 FCC 2d 333 (1975), where the Commission initially denied applications for certificates of compliance but at a later date, August 25, 1975 and May 14, 1975, respectively, granted them.

[2] At paragraph 15 of Docket 20272, the exact processing procedure is detailed as follows:

Upon receipt of an application with a franchise that contains provisions inconsistent with the federal rules we will continue, as we do now in appropriate cases, to inform the applicant and the franchising authority, by letter, of the inconsistencies and the need for justifications or waivers. Both parties will also be notified that if supported waiver requests are not forthcoming in a time specified, the Certificate will be issued but the violative provisions will be considered null and void, having been preempted by federal regulations. Similarly, if waiver requests are denied relating to federally preempted provisions we will grant the requested Certificate but notify both the applicant and the franchising authority of the preempted provisions.

wire and radio communication service with adequate facilities at reasonable charges. 47 U.S.C. 1. Pursuant to the provisions of the federal statute, cable television is regulated by the Commission with a view not merely to protect but to promote the objectives for which the Commission has been assigned jurisdiction over broadcasting. "(T)o define the Commission's power in terms of the protection, as opposed to the advancement, of broadcasting objectives would artificially constrict the Commission in the achievement of its statutory purposes and be inconsistent with our recognition in Southwestern 'that it was precisely because Congress wished "to maintain, through appropriate administrative control, a grip on the dynamic aspects of radio transmission," * * * that it conferred upon the Commission a "unified jurisdiction" and "broad authority."'" (Citation omitted.) *United States* v. *Midwest Video Corp.*, 406 U.S. 649, 665 (1972); cf. *United States* v. *Southwestern Cable Co.*, 392 U.S. 157 (1968).

9. When § 76.31(b) was adopted, we noted that franchise fees as high as 36 percent were being levied on cable operations. We noted that such fees levied an indirect and regressive tax on cable subscribers and that such fees were inconsistent with federal objectives in the regulation of cable television to the extent they rendered cable systems economically unable to carry out their part in our national communications policy. We indicated that the rules adopted were intended to strike a balance "that permits the achievement of federal goals and at the same time allows adequate revenues to defray the costs of local regulation." Cable Television Report and Order, supra at paragraph 185. See also Clarification, FCC 74-384, 46 FCC 2d 175 (1974), paragraph 91 et seq. We continue to regard § 76.31(b) as a reasonable method of assuring that unduly burdensome franchise fees do not result in the frustration of national goals for cable television and believe that the revisions adopted herein will aid in the administration of its provisions and eliminate some of the delay presently associated with its implementation. Accordingly, we are adopting the amendment to § 76.31 (b) substantially as proposed.

Authority for the adoption of the rules is contained in sections 2, 3, 4 (i) and (j), 301, 303, 307, 308, and 309 of the Communications Act of 1934, as amended.

Accordingly, *it is ordered*, That Part 76 of the Commission's Rules and Regulations, *is amended*, effective June 24, 1976, as set forth below. *It is further ordered*, That this proceeding *is terminated*.

Adopted: May 12, 1976.

Released: May 17, 1976.

(Secs. 2, 3, 4, 301, 303, 307, 308, 309, 48 Stat. as amended, 1064, 1065, 1066, 1081, 1082, 1083, 1084, 1085; 47 U.S.C. 152, 153, 154, 301, 303, 307, 308, 309.)

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

Part 76 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

Section 76.31(b) is revised to read as follows:

§ 76.31 Franchise Standards.

* * * * *

(b) Franchise fees shall be no more than 3 percent of the franchisee's gross subscriber revenues per year from cable television operations in the community (including all forms of consideration, such as initial lump sum payments). If the franchise fee is in the range of 3 to 5 percent of such revenues, the fee shall be approved by the Commission if reasonable upon showings: (i) by the franchisee, that it will not interfere with the effectuation of federal regulatory goals in the field of cable television, and (ii) by the franchising authority, that it is appropriate in light of the planned local regulatory program. With respect to a cable television system that was in operation prior to March 31, 1972, the provisions of this paragraph shall not be effective until the end of a system's current franchise period, or March 31, 1977, whichever occurs first.

[FR Doc.76-15184 Filed 5-24-76;8:45 am]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER C—ACCOUNTS, RECORDS AND REPORTS

[No. 36126]

Confidential Annual Report Supplement for Class I Carriers and Revision to the Railroad Annual Report

At a General Session of the Interstate Commerce Commission held at its office in Washington, D.C., on the 9th day of April 1976.

Consideration having been given to the matters involved in this proceeding and the said Commission, on the date hereof, having made and filed a report herein containing its findings and conclusions, which report is hereby made a part hereof:

It is ordered, That Parts 1241, 1249, 1250 and 1251 of Title 49 of the Code of Federal Regulations be, and they are hereby revised to read as shown below.

It is further ordered, That the prescribed revisions shall be effective for the year ended December 31, 1975.

And it is further ordered, That, service of this order be made on all affected carriers; and to the Governor of every State and to the Public Utilities Commissions or Boards of each State having jurisdiction over transportation; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and by filing a copy with the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER.

(49 U.S.C. 12, 20, 220, 313, 412.)

By the Commission.

ROBERT L. OSWALD,
Secretary.

REPORT OF THE COMMISSION

By notice of proposed rulemaking dated April 4, 1975, served May 9, 1975, and published in the FEDERAL REGISTER on May 22, 1975 (40 CFR 22466), we announced that we had under consideration certain revisions to the annual, special and periodic reports of Class I or Class A Railroads, Electric railways, Common and contract motor carriers of passengers, Common and contract motor carriers of property, Inland and coastal waterways carriers, Freight forwarders, and Express companies, Pipeline carriers, Refrigerator car lines, and Maritime carriers with annual operating revenues of $1 million or more.

All interested parties were given the opportunity to submit their views in writing by June 13, 1975. The response date was subsequently extended until July 14, 1975.

BACKGROUND

The confidential reporting technique was an outgrowth of legal proceedings concerning certain provisions of the Commission's report and order in Annual Reports of Class I Railroad Companies, 341 I.C.C. 205 (1972). These provisions called for disclosure of Federal income tax information in the railroad annual report. The Commission's Order was set aside by a United States District Court order which ruled that such information should not be available to public inspection due to its confidential nature *Assn. of American Railroads* v. *United States*, 371 F. Supp. 114 (D.C. D.C. 1974).

Federal income tax information presently provided in annual reports has proven to be insufficient to enable the Commission to effectively evaluate the tax transactions which affect the financial stability of carriers. We believe the proposed confidential annual report supplement provides complete information about the relationship between the reporting carrier and its affiliates as it may affect the tax liability of the carrier. As a result, the true impact of the affiliation on the tax situation of the carrier can be determined.

REPRESENTATIONS OF THE PARTIES

The public notification of the proposed rulemaking in the FEDERAL REGISTER provided that any person desiring to participate could do so by filing, within a prescribed time, written statements of facts, views or arguments. Comments were received from three industry associations, thirteen pipeline companies, one railroad, eleven motor carriers of

property, three waterways carriers and one state regulatory commission. Their comments are summarized below. Respondents and other persons submitting views are referred to using their short titles as shown in Appendix Q[1] of this report.

Maintenance of confidentiality.—AAR, Okan, Mobil, Exxon, Nu-Car, Pinto, Texas, Continental, Colonial, CRA, Atchison, Gates, Sun, and Gulf objected to the proposal, citing an alleged inability of the Commission and its personnel to guarantee that information submitted on a confidential basis will remain confidential. They contend there is a distinct possibility that information contained in the files of the Commission might be made available to sources outside the Commission in proceedings where such information is relevant and material. They also request notice of procedures to be employed to insure confidentiality.

Tax information should be verified through the audit process.—AAR, Colonial, Warrior, DSI and Ohio believe the Commission's auditors should review and verify the required information during carrier audits. This will allow carriers to provide underlying data and explanations on complex transactions and eliminate concern about the Commission's ability to keep the information confidential.

The proposed schedules appear excessive, burdensome and their usefulness is questionable.—MAPCO, Warrior, Sun, Ohio, Georgia, Exxon, Nu-Car, Pinto, IML, Leaseway, Puget and NAFC object to the excessive and burdensome nature of the report. They question the purpose of the required disclosures and their use in fulfilling the regulatory responsibilities of the Commission.

The proposed rules are outside the scope of the Commission's statutory authority and in direct conflict with the Internal Revenue Code.—NAMBO, Atchison, ARCO, Texas, Marathon, Gates, CRA, Amoco, Mobil and NAFC contend the Commission is acting outside its statutory authority in requiring disclosure of confidential tax information, particularly from non-regulated entities.[2] They also contend the proposed rules circumvent the provisions of the Internal Revenue Code.

Need for schedule and instruction revisions.—NAFC, Shippers, Texas, AAR and MAPCO recommend that the proposed schedules and instructions be revised to accommodate certain tax rules. DSI contends Schedule C and parts of Schedule B are not applicable to carriers filing under Section 1552(A)(2) of the Internal Revenue Code. Texas recommends that a line item for the preference tax be inserted where appropriate, and Shippers questions the applicability of the proposed report to carrier partnerships.

Objective of proposed schedules.—NAFC, EFL, Garrett and American contend the proposed schedules do not accomplish the Commission's objective. They believe the schedules should emphasize financial relationships rather than complex tax calculations. NAFC presented alternative schedules emphasizing financial relationships and comparing tax rates among members of the consolidated group.

Discussion and Conclusions

The following discussion is organized according to the principal arguments made by the various respondents.

Maintenance of confidentiality

We realize the right to protection of confidential tax information is an essential part of the income taxation scheme. The policy of confidentiality for income tax data encourages full disclosure of income and expenses by individuals and corporations and assures them the general public and competitors will not be apprised of sensitive information.

The respondents contend there are no assurances that the privacy and confidentiality of tax information reported to the Commission will be maintained. Atchison stated the Commission has no experience to rely upon in protecting the confidentiality of the information, and Commission employees do not appear to be covered by any statutory prohibitions against disclosure.

Usefulness and purpose of report

The respondents questioned the usefulness and purpose of the proposed report. They contend the proposed report is excessive, burdensome, and unnecessary for fulfillment of the Commission's regulatory responsibilities. These contentions are without merit.

Effective regulations and administration of responsibilities is dependent upon access to all types of financial data. In the long run, the consequences of informative disclosure benefit the economic and financial fitness of all carriers. In this respect, these regulations will not only benefit the Commission by providing it with the necessary data in a compact form on a confidential basis and with the consequent reductions in its day-to-day tasks, but it will, more importantly, provide respondents with definitive guidelines in complying with Commission regulations. Sound regulatory principles demand that the regulated carrier be made aware, where feasible, of its obligations prior to taking any action rather than after the fact.

The tax information request has been found to be readily available from tax returns and supporting information. Our auditors have prepared the proposed schedules for several railroads and motor carriers on a test basis. The auditors experienced little difficulty in obtaining the information and preparing the report which tends to discredit the respondents' contention.

The objective of the proposed schedules is to determine the benefits or inequities attributable to filing a consolidated tax return. The schedules enable the Commission to determine, in terms of actual tax liability, the true effect of the consolidation on the tax situation of the carrier.

The Commission will use the information disclosed to effectively evaluate and interpret the financial condition of responding carriers. The information will also facilitate early detection and resolution of questionable accounting procedures in the area of income taxes. This information will be used in considering the advisability of proposing rules regarding carrier participation in consolidated tax returns.

The Commission reevaluated the applicability of the reporting requirement to certain carriers. We determined that the reports' objectives can be achieved by further limiting the applicability of the reporting requirement. We have decided that only carriers with annual operating revenues of $10 million or more need comply with the reporting requirement. This limitation will ease the reporting burden of smaller carriers and insure only significant tax information is reported.

Verification through the audit process

Respondents' recommendation that the tax information be reviewed and verified through the audit process is not a workable alternative. We have determined that in order to be effective and meet established objectives the required disclosures should be obtained on an annual basis. The frequency of audits on carriers subject to the proposed rules varies. For example, the largest Class I railroads are audited annually whereas electric railways, pipeline and maritime carriers are audited on three and six year cycles, respectively. To adopt the respondents' proposal, audits of carriers subject to the proposed rules would have to be performed on annual cycles. This procedure would be a disruptive burden on carriers subject to the proposed regulations.

Schedule objectives

We believe the schedules in the confidential report accomplish the objective of the proceeding which is to enable us to determine, in terms of actual taxes paid by regulated carriers, the advantages or disadvantages of being affiliated with a group that files a consolidated tax return. The amended schedules in appendices F through O also complement the tax disclosures in annual reports filed with us.

NAFC recommends the adoption of alternative schedules. However, NAFC's major revision to Schedule C of the report is unacceptable and defeats the objective of the report. NAFC proposes to disclose the percentage relationship between the provision for taxes including deferred taxes and pretax accounting income. A variance between this percentage and the normal corporate tax percentage will initiate further investigation. This

[1] Appendices F through Q filed as part of the original document.

[2] On March 18, 1976, the Commission in Ex Parte No. 323, Investigation into the Management, Business Inter-Relationships and transactions of the Below-Named Railroads, Their Controlling Holding Companies and Affiliated Companies, instituted an investigation relating to conglomerate activities. See also, P.L. 94-210, Section 903.

revision ignores the actual affect of the consolidation on the carriers tax liability which is our major concern. As a result, we cannot accept this part of NAFC's recommendation and Schedule C will remain unchanged. The NAFC recommendation for prescribing consolidated reporting rules in the instructions is adopted.

The respondents contentions are erroneous in both respects. The Commission has experience in the accumulation and retention of confidential information and strictly enforces internal rules and procedures to maintain confidentiality of this information. Piggy-back traffic statistics, quarterly reports on additions and betterments and supplemental filing of freight commodity statistics are presently reported on a confidential basis to the Commission. These reports are segregated from reports open to public inspection. The Commission strictly scrutinizes the use and retention of this data by Commission employees.

Adequate safeguards presently exist to protect the confidentiality of information reported. The Criminal Code, 18 U.S.C. Section 1905, prohibits Federal employees from disclosing business data or trade secrets received in the course of their official duties. In addition, 49 CFR Part 1001.4 provides specific procedures which must be followed to request permission to inspect Commission records not considered public information. Finally, 26 U.S.C. Section 7213 makes it unlawful for a Federal employee to divulge data contained in a tax return, copy of return or any book containing abstracts or particulars thereof.

We believe the internal rules and regulations and statutory penalties applicable to Federal officials and employees are more than adequate protection for the confidentiality guaranteed carriers. Our record and experience in dealing with other forms of confidential information further support this contention.

COMMISSION AUTHORITY

The respondents contend the Commission lacks specific statutory authority to compel reporting of Federal income tax information and, therefore, the provisions provided in the Internal Revenue Code, 26 U.S.C. Section 6103, should govern. Section 6103 prescribes formal procedures Federal agencies must follow to obtain Federal income tax information.

This Commission is authorized by the Interstate Commerce Act to require regulated carriers to disclose directly to us such information as we deem necessary or proper to aid in fulfilling our responsibilities under the provisions of the Act. Advancement of sound economic and financial conditions in the transportation industry is aided by the disclosure of Federal income tax information.

Section 6103 was enacted to prevent the wholesale revelation of confidential information to persons having no legitimate interest. This provision for confidentiality should not be interpreted to apply to a Federal agency whose sole function is to preserve sound economic conditions in the transportation industry. Carriers cannot have legitimate interests in denying information, crucial to their financial solvency, to the regulatory body charged with overseeing them.

Whether Section 6103 was intended to be the exclusive means of granting access to tax information filed with the Internal Revenue Service is the central issue in the respondents' argument. There are no judicial precedents to date addressing the limitations of Section 6103 in the regulatory context.

Mobil cited the cases of *Federal Savings and Loan Insurance Corporation* v. *Kreuger*, 55FF.R.D. 512 (D.C.N.D. Ill 1972), and *Association of American Railroads* v. *The United States*, 371 F. Supp. 114 (D.C.D.C. 1974), in support of its contention that Section 6103 is exclusive. However, reliance on decisions in these cases is misplaced.

Mobil contends the *Kreuger* case centered on the court's refusal to permit a Federal agency to compel reproduction of tax information because the agency had an alternative means of obtaining the information under Section 6103. However, the court found the Federal agency was acting as a receiver for private interests and had not established good cause to invoke the discovery process. The decision in this case is not relevant to the Commission's proposal since the case involved essentially private litigants who failed to establish good cause and a relevant need for the information. *The Association of American Railroads* case concerned whether the prohibition in Section 6103 applies to only the original return or to copies of the return as well. The court ruled the prohibitions applied to both the original and copies of the return. However, the court emphasized disclosure to a Federal agency was not at issue, but rather disclosure to the public in general. The question of whether the agency might acquire these data through confidential reports was expressly left open.

The Interstate Commerce Act provides us with authority to prescribe confidential disclosure of Federal income tax information. The absence of a judicial precedent in this regard and the decisions in the aforementioned cases lend further support to this contention.

SCHEDULE REVISIONS

We thoroughly reviewed the respondents' recommendations for revisions to the proposed report, and adopted those revisions which facilitate schedule and instruction interpretations and enhance the objectives of the proposal. AAR's recommendation to exclude carriers subject to Internal Revenue Code regulation 1552(A)(2) from completing Schedule C and parts of Schedule B was not adopted. AAR contends that carriers subject to Section 1552 consolidated tax reporting rules are allocated a consolidated tax liability equal to the liability they would have borne filing separate tax returns; therefore, the tax affiliation has little, if any, impact on the tax situation of the regulated carrier.

Section 1552(A)(2) states, "The tax liability of the group shall be allocated to the several members of the group on the basis of the percentage of the total tax which the tax of such member if computed on a separate return would bear to the total amount of the taxes for all members of the group so computed". The AAR's interpretation of this regulation is only valid under certain circumstances where no tax benefits are contributed to the consolidation. This appears to be the exception rather than the rule. Affiliated groups are formed to take advantage of the tax benefits available in consolidated tax reporting rules. When members of an affiliated group contribute tax benefits such as capital losses, tax credits or net operating losses, the consolidated tax liability allocated to each member of the group can be both greater or less than the separate return basis liability of each member. As a result, we cannot accept the AAR's contention and, therefore, will not exempt carriers filing under section 1552(A)(2) from completing the proposed schedules.

Consolidated reporting rules, as described in Internal Revenue Code regulations 1501 through 1563, are prescribed in the instructions at the recommendation of NAFC. This will eliminate laborious computations and assure uniform and consistent reporting. DSI contends the October 31 due date is unreasonable. We established this date to insure information would be received on a timely basis. In order to maximize effective use of this information the due date cannot be revised. However, in cases where the tax return filing date is changed or extended and complying with the October 31 due date causes an undue hardship or burden, carriers may file for relief with the Commission. In addition, the instructions have been revised to provide for disclosure of the preference tax, and to exempt carrier partnerships from complying with the reporting regulations.

FINDINGS

We find the amended revisions to the Commission's reporting regulations, concerning the establishment of a confidential annual report supplement for disclosure of Federal income tax information and reinstatement of information in the railroad annual report, reflected in the appendices hereto, should be approved and adopted effective for the year ended December 31, 1975. Commencing with the report for the year ending December 31, 1975, carriers will file the report by October 31 of the following year.

We further find this decision is not a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969.

An appropriate order will be entered.[*]

[*] Dissenting statements by Chairman Stafford and Commissioner Gresham filed as part of the original document.

APPENDIX A

PART 1241—ANNUAL, SPECIAL OF PERIODIC REPORTS; CARRIERS SUBJECT TO PART I OF THE INTERSTATE COMMERCE ACT

1. Section 1241.11 is amended by designating the existing text as paragraph (a) and adding paragraph (b). As amended the instruction reads:

§ 1241.11 Forms prescribed for Class I railroads.

(a) Commencing with the year * * *

(b) Commencing with reports for the year ended December 31, 1975, and thereafter, until further order, all railroads, with annual operating revenues of $10 million or more, as described in § 1240.1 of this chapter, subject to the provisions of the Interstate Commerce Act, shall be required to file Annual Report Supplement R–1(a). Such annual report supplement shall be of a confidential nature and not available for public inspection. Annual Report Supplement R–1(a) shall be filed in duplicate with the Bureau of Accounts, Interstate Commerce Commission, Washington, D.C. 20423, on or before October 21 of the year following the year to which it relates.

2. Section 1241.21 is amended by designating the existing text as paragraph (a) and adding paragraph (b). As amended the instruction reads:

§ 1241.21 Annual reports of electric railways.

(a) Commencing with reports * * *

(b) Commencing with reports for the year ending December 31, 1975, and thereafter, until further order, all electric railways, with annual operating revenues of $10 million or more, as described in § 1240.3 of this chapter, subject to the provisions of the Interstate Commerce Act, shall be required to file Annual Report Supplement R–5(a). Such annual report supplement shall be of a confidential nature and not available to public inspection. Annual Report Supplement R–5(a) shall be filed in duplicate with the Bureau of Accounts, Interstate Commerce Commission, Washington, D.C., 20423, on or before October 31 of the year following the year to which it relates.

3. Section 1241.31 is amended by designating the existing text as paragraph (a) and adding paragraph (b). As amended the instruction reads:

§ 1241.31 Annual reports of express companies.

(a) Commencing with the year * * *

(b) Commencing with reports for the year ended December 31, 1975, and thereafter, until further ordered, all express companies, with annual operating revenues of $10 million or more, subject to the provision of the Interstate Commerce Act, shall be required to file Annual Report Supplement H(a). Such annual report supplement shall be of confidential nature and not available for public inspection. Annual Report Supplement H (a) shall be filed in duplicate with the Bureau of Accounts, Interstate Commerce Commission, Washington, D.C., 20423, on or before October 31 of the year following the year to which it relates.

4. Section 1241.61 is amended by designating the existing text as paragraph (a) and adding paragraph (b). As amended the instruction reads:

§ 1241.61 Annual reports of carriers by pipeline.

(a) Commencing with the year * *

(b) Commencing with reports for the year ended December 31, 1975, and thereafter, until further ordered, all pipeline carriers, with annual operating revenues of $10 million or more, subject to the provisions of the Interstate Commerce Act, shall be required to file Annual Report Supplement P(a). Such annual report supplement shall be of a confidential nature and not available for public inspection. Annual Report Supplement P(a) shall be filed in duplicate with the Bureau of Accounts, Interstate Commerce Commission, Washington, D.C. 20423, on or before October 31 of the year following the year to which it relates.

5. Section 1241.70 is amended by designating the existing text as paragraph (a) and adding paragraph (b). As amended the instruction reads:

§ 1241.70 Annual reports of refrigerator car lines owned or controlled by railroad companies.

(a) Commencing with reports * * *

(b) Commencing with reports for the year ended December 31, 1975, and thereafter, until further ordered, all refrigerator car lines, with annual operating revenues of $10 million or more, subject to the provisions of the Interstate Commerce Act, shall be required to file Annual Report Supplement B–1(a). Such annual report supplement shall be of a confidential nature and not available for public inspection. Annual Report Supplement B–1(a) shall be filed in duplicate with the Bureau of Accounts, Interstate Commerce Commission, Washington, D.C. 20423, on or before October 31 of the year following the year to which it relates.

APPENDIX B

PART 1249—REPORTS OF MOTOR CARRIERS

1. Section 1249.1 is amended by designating the existing text as paragraph (a) and adding paragraph (b). As amended the instruction reads:

§ 1249.1 Annual reports of class I carriers of property.

(a) Commencing with reports * * *

(b) Commencing with reports for the year ending December 31, 1975, and thereafter, until further order, all carriers of property, with annual operating revenues of $10 million or more, as described in § 1240.5 of this chapter, subject to the provisions of the Interstate Commerce Act, shall be required to file Annual Report Supplement M–1(a). Such annual report supplement shall be of a confidential nature and not available to public inspection. Annual Report Supplement M–1(a) shall be filed in duplicate with the Bureau of Accounts, Interstate Commerce Commission, Washington, D.C. 20423, on or before October 31 of the year following the year to which it relates.

APPENDIX C

2. Section 1249.5 is amended by designating the existing text as paragraph (a) and adding paragraph (b). As amended the instruction reads:

§ 1249.5 Annual reports of class I carriers of passengers.

(a) Commencing with reports * * *

(b) Commencing with reports for the year ending December 31, 1975, and thereafter, until further order, all carriers of passengers, with annual operating revenues of $10 million or more, as described in § 1240.4 subject to the provisions of the Interstate Commerce Act, shall be required to file Annual Report Supplement MP–1(a). Such annual report supplement shall be of a confidential nature and not available to public inspection. Annual Report Supplement MP–1(a) shall be filed in duplicate with the Bureau of Accounts, Interstate Commerce Commission, Washington, D.C. 20423, on or before October 31 of the year following the year to which it relates.

APPENDIX D

PART 1250—REPORTS OF WATER CARRIERS

1. Section 1250.10 is amended by designating the existing text as paragraph (a) and adding paragraph (b). As amended the instruction reads:

§ 1250.10 Annual reports of class A and B water carriers on inland and coastal waterways.

(a) Commencing with the year * * *

(b) Commencing with reports for the year ending December 31, 1975, and thereafter, until further order, all inland and coastal waterway carriers, with annual operating revenues of $10 million or more, as described in § 1240.2 of this chapter, subject to the provisions of the Interstate Commerce Act, shall be required to file Annual Report Supplement W–1(a). Such annual report supplement shall be of a confidential nature and not available for public inspection. Annual Report Supplement W–1(a) shall be filed in duplicate with the Bureau of Accounts, Interstate Commerce Commission, Washington, D.C. 20423, on or before October 31 of the year following the year to which it relates.

2. Section 1250.20 is amended by designating the existing text as paragraph (a) and adding paragraph (b). As amended the instruction reads:

§ 1250.20 Form prescribed for maritime carriers.

(a) Commencing with the year * * *

(b) Commencing with reports for the year ended December 31, 1975, and

thereafter, until further ordered, all maritime carriers, with annual operating revenues of $10 million or more, subject to the provisions of Section 313, Part III, of the Interstate Commerce Act, shall be required to file Annual Report Supplement M(a). Such annual report supplement shall be of a confidential nature and not available for public inspection. Annual Report Supplement M(a) shall be filed in duplicate with the Bureau of Accounts, Interstate Commerce Commission, Washington, D.C. 20423, on or before October 31 of the year following the year to which it relates.

APPENDIX E

PART 1251—REPORTS OF FREIGHT FORWARDERS

Section 1251.1 is amended by designating the existing text as paragraph (a) and adding paragraph (b). As amended the instruction reads:

§ 1251.1 Annual reports of Class A freight forwarders.

(a) Commencing with reports * * *

(b) Commencing with reports for the year ending December 31, 1975, and thereafter, until further order, all freight forwarders, with annual operating revenues of $10 million or more, as described in § 1240.6 of this chapter, subject to the provisions of the Interstate Commerce Act, shall be required to file Annual Report Supplement F–1(a). Such annual report supplement shall be of a confidential nature and not available to public inspection. Annual Report Supplement F–1(a) shall be filed in duplicate with the Bureau of Accounts, Interstate Commerce Commission, Washington, D.C. 20423, on or before October 31 of the year following the year to which it relates.

[FR Doc.76–15248 Filed 5–24–76;8:45 am]

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Federal Deposit Insurance Corporation

Section 213.3333 is amended to show that one position of Secretary to a Member of the Board of Directors is excepted under Schedule C.

Effective May 25, 1976, § 213.3333(h) is added as set out below:

§ 213.3333 Federal Deposit Insurance Corporation.

* * * * *

(h) One Secretary to a Member of the Board of Directors.

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

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

[FR Doc.76-15413 Filed 5-24-76;10:56 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 17]

ENDANGERED AND THREATENED WILDLIFE AND PLANTS

Proposal To List 27 Species of Primates as Endangered or Threatened Species; Correction

In FEDERAL REGISTER Document 76-11189, appearing at page 16466 of the issue for Monday, April 19, 1976, the following change should be made:

In the second column on page 16468, delete the words "sale or" appearing on the 10th line and on the 11th line of the paragraph headed "Effects of the Proposed Rulemaking." The sentence should now read "There would, however, be no restrictions on interstate movement of these species if such movement is not in the course of * * *.".

Dated: May 18, 1976.

GEORGE W. MILIAS,
Acting Director,
Fish and Wildlife Service.

[FR Doc.76-15157 Filed 5-24-76;8:45 am]

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[7 CFR Part 330]

REQUIREMENTS FOR INSPECTION OF VESSELS AND AIRCRAFT AND OF PRODUCTS AND ARTICLES THEREON

Extension of Time To Submit Written Comments

● Purpose: To extend comment period date from May 24 to June 24 on proposal to amend 7 CFR Part 330. ●

Notice is hereby given pursuant to the administrative procedure provisions of 5 U.S.C. 553, that the time for submitting written comments with respect to the proposal to amend 7 CFR Part 330 by adding a new subpart, "Notification and Documents Presentation Requirements for Inspection of Vessels and Aircraft and of Products and Articles Thereon," as published in the FEDERAL REGISTER, April 23, 1976 (41 FR 16970), is hereby extended to June 24, 1976.

Airline associations have requested such extension in order to have sufficient time for their membership to complete discussions and make comments on the proposal. Since the Department is interested in receiving meaningful comments, these circumstances are considered sufficient justification for an extension of time originally allotted for filing comments.

Any person wishing to submit written data, views, or arguments concerning the proposed amendments may do so by filing them with the Regulatory Support Staff, Plant Protection and Quarantine Programs, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Federal Building, Hyattsville, Maryland 20782, by June 24, 1976.

All written submissions made pursuant to this notice will be made available for public inspection in Room 633, Federal Building, Hyattsville, Maryland 20782, during regular hours of business, unless the person makes the submission to the Regulatory Support Staff, Plant Protection and Quarantine Programs, and requests that it be held confidential. A determination will be made whether a proper showing in support of the request has been made on grounds that its disclosure could adversely affect any person by disclosing information in the nature of trade secrets or commercial or financial information obtained from any person and privileged or confidential. If it is determined that a proper showing has been made in the support of the request, the material will be held confidential; otherwise, notice will be given of denial of such request and an opportunity afforded for withdrawal of the submission. Requests for confidential treatment will be held confidential (7 CFR 1.27(c)).

Done at Washington, D.C., this 20th day of May 1976.

J. W. GENTRY,
Acting Deputy Administrator, Plant Protection and Quarantine Programs, Animal and Plant Health Inspection Service.

[FR Doc.76-15356 Filed 5-24-76;8:45 am]

Rural Electrification Administration

[7 CFR Part 1701]

EQUAL EMPLOYMENT OPPORTUNITY IN CONSTRUCTION FINANCED WITH REA LOANS

REA Policy and Procedures on Employment Data and Proposed Guidelines for Developing and Implementing an Affirmative Action Program

Notice is hereby given that, pursuant to the Rural Electrification Act, as amended (7 U.S.C. 901 et seq.), RFA proposes to issue a revision of REA Bulletin 20-15: 320-15, "Equal Employment Opportunity in Construction Financed with REA Loans." The purpose of the revised bulletin is to delete annual employment data requirements and to propose a set of guidelines for developing and implementing an Affirmative Action Program. On issuance of the revised bulletin, Appendix A to part 1701 will be modified accordingly.

Persons interested in this revision may submit written data, views, or comments to the Civil Rights Coordinator, Rural Electrification Administration, Room 4313 South Building, U.S. Department of Agriculture, Washington, D.C. 20250, on or by June 24, 1976. All written submissions made pursuant to this notice will be made available for inspection by interested parties.

A copy of the proposed revision of REA Bulletin 20-15: 320-15 may be secured in person or by written request from the Civil Rights Coordinator.

A summary of proposed substantive changes in REA Bulletin 20-15: 320-15 is as follows:

1. Section IV G (page 6), Submission of Employment Data to REA by Borrowers, will be deleted. Future requests for employment data will be at five-year intervals beginning in 1980.

2. Section IV H, Affirmative Action Compliance Program, will now become "Section IV G." This section has been revised to reflect editorial changes such as deleting the word "sample" in the Affirmative Action Program and revising the last sentence to make it more definitive. The last paragraph in this section is new. The revision reads as follows:

Borrowers: Each borrower, unless exempt, having 50 or more employees is required to develop and carry out a written affirmative action program. Guidelines for developing such a program are set forth in Appendix F. A report of the results of the program shall be compiled annually, and the program updated at that time. The affirmative action program and its accomplishments shall be readily available for inspection. The evaluation of the program is an integral part of the compliance review activities.

In addition, REA believes that it is good business for all borrowers to develop and implement an affirmative action program.

3. Appendix F, "Contractor's Affirmative Action Plan for Equal Employment Opportunity Under Executive Order 11246 and Executive Order 11375," has been changed to Appendix E. Appendix E, "Suggested Approaches for Developing an Affirmative Action Program," has been changed to Appendix F. Appendix F (formerly Appendix E) has been revised in detail in order to provide more definitive information and guidelines to the borrower for use in developing and implementing an affirmative action program. The revision of this Appendix is as follows:

SUGGESTED APPROACHES FOR DEVELOPING AN AFFIRMATIVE ACTION PROGRAM

An Affirmative Action Program consists of a detailed plan which is "results-oriented" to the extent that when implemented in good faith, it will bring about the full utilization of minorities and women at all levels and in all categories of the work force.

THE CONTENTS OF AN AFFIRMATIVE ACTION PROGRAM

I. *Policy commitment by the Board of Directors.*—Unless the board of directors sets forth a strong and effective policy, identifying its attitude toward equal employment opportunity, and directs management to move forthrightly in bringing this effort to fruition, nothing meaningful in the equal employment opportunity program will be accomplished.

II. *Responsibility and authority.* A management official should be assigned the responsibility and given the authority for developing and implementing the Affirmative Action Program. The official should:

A. Develop policy statement and set forth procedures for communicating this statement internally and externally.

B. Assist department managers in collecting and analyzing employment data, identifying problem areas, setting goals and timetables and developing programs to achieve those goals.

C. Design, implement, and monitor internal audit and reporting systems to measure the effectiveness of the program and identify areas of strong and weak points and take needed action to strengthen the weak areas.

D. Report quarterly to the manager on the progress made in each level of employment category.

E. Serve as liaison between the organization and the government, minority group and women organizations and other community groups.

III. *Analyze present work force and identify problem areas.* In order to analyze the work force and identify problem areas, the following steps should be taken:

A. List each job title as it appears in the collective bargaining agreement or payroll records.

B. Rank employees from the lowest to the highest paid in each department or similar organizational unit including department or unit supervision personnel.

C. Where there are separate work units or lines of progression within a department, provide a separate list for each work unit or line including unit supervisors.

D. For lines of progression, show the order of jobs in the line through which an employee can move to the top of the line. Where there are no formal progression lines or usual promotional sequences, list job titles by department, or job "families," in order to wage rates or salary ranges.

E. For each job title, give the total number of incumbents, the number of male and female incumbents, and the number of male and female incumbents in each of the following groups: Blacks, Spanish-surnamed Americans, American Indians, and Orientals.

F. Give the wage rate or salary range for each job title.

G. List all job titles, including all managerial job titles.

IV. *Utilization analysis.* After the work force analysis is presented, jobs should be grouped for further analysis. A job group is one or a group of jobs having similar content, wage rates and opportunities. Job groups should relate to the data contained in Manpower Information for Affirmative Action Programs obtained from the local state employment security agencies. When data on detailed skills is available, more detained job groups can be used.

In making the utilization analysis, the borrower should:

A. Conduct such analysis separately for minorities and women. The analysis should include specific percentages of minority persons and women (minority and non-minority) from the state employment security agency. Percentages should be stated separately for Blacks, Spanish-surnamed Americans, American Indians and Orientals whenever any of these groups exceeds two percent or more of the population in the labor area.

B. Prepare a separate analysis for each job group.

C. Check with the local Security Employment Agency serving the county where headquarters of the organization is located and from which it draws its work force to determine the following population information:

1. Total population _____ (Number)
2. Total minority population _____ (Number) _____ (Percent)
3. Total female population _____ (Number) _____ (Percent)
4. Total labor force _____ (Number)
5. Total female labor force _____ (Number) _____ (Percent)
6. Total minority labor force _____ (Number) _____ (Percent)
7. Unemployment rate _____ (Percent)
8. Minority unemployment rate _____ (Percent)
9. Female unemployment rate _____ (Percent)

In establishing goals, the borrower should consider the percent that employed minorities and women is to the total employed population in the area where the headquarters is located and from which the system draws its labor force.

D. In determining whether minorities are being underutilized in any job group, the borrower should consider at least the following factors:

1. The minority population of the labor area surrounding facility.

2. The size of the minority unemployment force in the labor area surrounding the facility.

3. The percentage of the minority work force as compared with the total work force in the immediate labor area.

4. The general availability of minorities having requisite skills in the immediate labor area. (Consider data from the appropriate labor market area on occupations of employed persons, unemployed persons and job applicants for factors 4 and 5.)

5. The availability of minorities having requisite skills in an area in which the borrower can reasonably recruit.

6. The availability of promotable and transferable minorities within the borrower's organization.

7. The existence of training institutions capable of training persons in the requisite skills.

8. The degree of training which the borrower is reasonably able to undertake as a means of making all jobs available to minorities.

E. In determining whether women are being underutilized in any job group, consider at least the following factors:

1. The size of the female unemployment force in the labor area surrounding the facility.

2. The percentage of the female work force as compared with the total work force in the immediate labor area.

3. The general availability of women having requisite skills in the immediate labor area. (Consider data or occupations of employed and unemployed persons for factors 3 and 4.)

4. The availability of women having requisite skills in an area in which the borrower can reasonably recruit.

5. The availability of women seeking employment in the labor or recruitment area of the borrower. (Consider data on job applicants obtained from the local state employment service.)

6. The availability of promotable and transferable female employees within the borrower's organization.

7. The existence of training institutions capable of training persons in the requisite skills.

8. The degree of training which the borrower is reasonably able to undertake as a means of making all job classes available to women.

In both the analysis for minorities and the analysis for women, data regarding promotable and transferable employees, community training facilities should be prepared by the borrower and related to the locality for factors 6, 7 and 8.

Underutilization is defined as having fewer minorities or women in a particular job group than would reasonably be expected by their availability. Availability is determined by considering at least the eight factors for minorities and the eight factors for women in the utilization analysis for each job group. At no time should availability be deter-

mined by considering only one factor such as occupations of opportunities through training and recruitment.

Whenever the percentage of any minority group exceeding two percent or more of the population in the labor area, or of women, is lower than the percentage of such persons determined to be available, the affirmative action program should specifically state the underutilization exists in that job group.

V. *Establishment of goals and timetables.* A. Specific goals and timetables should be established separately for minorities and women considering at least the factors cited in the utilization analysis. Goals, timetables and affirmative action commitments should be designed to correct any identifiable deficiencies.

B. A long range goal should be established for each job group in which underutilization exists and should be designed to completely correct the underutilization. The goal should be stated as a percentage of the total employees in the job group and should be equal to the percentage of minorities or women available for work in the job group in the applicable labor market.

1. A single goal for minorities is acceptable unless through the company's evaluation it is determined that one minority group is underutilized in a substantially disparate manner.

2. Separate goals and timetables for such minority groups may be established individually, and where appropriate, separate goals may be established within the minority groups by sex.

C. For each job group in which underutilization exists, a specific timetable should be established for reaching the ultimate goal in the minimum feasible time period. In establishing timetables, the borrower should consider the anticipated expansion, contraction, and turnover of the work force, as well as the number of jobs to be filled through upgrading.

D. For each job group in which underutilization exists, the borrower should establish annual rates of hiring and/or promoting minorities and women until the ultimate goal is reached. These rates should be the maximum rates that can be achieved through putting forth every good faith effort, including the use of available recruitment and training facilities, and should not be lower than the percentage rate set in the ultimate goal. Numerical goals based on projected openings should be established but should not be used in place of percentage goals. Goals should be stated both as actual numbers and as percentages for backup goals. For example, a borrower may establish a goal of ten women based on an expected 20 vacancies for hires or promotions, but actual vacancies may vary. As a contingency, the percentage goal (e.g., 50 percent of hires) would apply if opportunities exceed current estimates.

E. Support data for the required analysis and program should be compiled and maintained as part of the borrower's affirmative action program. This data should include but not be limited to progression line charts, seniority rosters, applicant flow data, and applicant rejection ratios indicating minority and sex status.

F. Copies of affirmative action programs and/or copies of support data must be made available to the compliance agency or the Office of Federal Contract Compliance, at the request of either, for such purposes as may be appropriate to the fulfillment of their responsibilities under Executive Order 11246, as amended.

THE COMPLIANCE STATUS

No borrower's compliance status shall be judged alone by whether or not it reaches its goals and meets its timetables. Rather, each borrower's compliance posture shall be reviewed and determined by reviewing the contents of its program, the extent of its adherence to this program, and its good faith efforts to make its program work toward the realization of the program's goals within the timetables established by the borrower for completion.

4. A new Appendix G, "Suggested Steps for Developing an Affirmative Action Program," will be added in order to provide the borrower with a suggested format to be used in writing up an affirmative action program. (See below.)

Dated: May 18, 1976.

RICHARD F. RICHTER,
Acting Administrator.

APPENDIX G.—*Suggested steps for developing an affirmative action program*

Item	Action needed	By whom	When
I. Purpose	State the purpose of the AAP	Board of directors	Immediately
II. Policy	Make an effective and strong statement that the corporation will not discriminate in any of its employment practices.	do	Do.
III. Responsibility for implementation of policy.	Give the name and state the authority of such person who will have to implement the policy.	do	Do.
IV. Dissemination of policy.	State how policy will be disseminated to all employees (internally) and nonemployees (externally).	Personnel supervisor [1] or manager.	Do.
V. Initiating and implementing the AAP.	1. Publish statement about corporation's policy and intent on equal employment opportunity.	Board of directors	Do.
	2. Distribute corporation's policy statement and intent to all employees and applicants for employment.	Personnel supervisor [1] or manager.	Do.
	3. Include information on corporation's policy and intent on equal opportunity employment in corporation's publications.	do	Do.
	4. Include "An Equal Opportunity Employer" statement in all advertisements.	do	Do.
	5. Write letters to all recruitment sources advising them of the corporation's policy on equal opportunity employment.	do	Do.
	6. Conduct recruitment visits to include schools with substantial or predominate members of minority group students.	do	Annually.
	7. Maintain liaison with public and private agencies serving minority groups and women and keep record of contacts.	Manager	Immediately and continuing.
	8. Make periodic reports to the board of directors on corporation's progress in achieving the goals of AAP.	do	Continuing.
VI. Development and promotion of qualified employees.	1. Inform minority group and women employees on available on-the-job training programs.	Personnel supervisor [1] and department heads.	Immediately and update annually.
	2. Determine if job descriptions, entrance qualifications and qualification standards for promotion are discriminatory to minority groups and women.	do	Continuing.
	3. List type or kind of training needed and where such training can be secured to achieve corporation's objective in obtaining minority group and women representation.	do	Immediately and update annually.
	4. List by ethnic category persons who have been upgraded, promoted, trasnferred, or dismissed, or who have left your employment during the last 12 months.	do	Do.
VII. A. Work force analysis.	1. List each job title as it appears on the payroll, ranking from lowest to highest paid in each department, including supervisors.	Personnel supervisor	Do.
	2. Make separate list when work units are separate or where there are lines of progression within a department.	do	Do.
	3. For each job title, give the total number of incumbents; the total number of male and female incumbents, the wage rate or salary range by job title and ethnic category.	do	Do.
B. Group jobs	List jobs together that have similar content, wage rates and opportunities.	do	Do.
VIII. Availability analysis.	From the State employment agency serving the county or area concerned, secure: a. Total population ..... (number). b. Total minority population ..... (number) ..... (percent). c. Total female population ..... (number) ..... (percent). d. Total labor force ..... (number). e. Total female labor force ..... (number) ..... (percent). f. Total minority labor force ..... (number) ..... (percent).	do	Do.

Footnote at end of table.

APPENDIX G.—*Suggested steps for developing an affirmative action program*—Continued

Item	Action needed	By whom	When
	g. Unemployment rate ..... (percent).....		
	h. Minority unemployment rate ..... (percent).		
	i. Female unemployment rate ..... (percent).		
	Secure the above percentages by ethnic category when such category exceeds 2 percent of the total population in the labor force area (see app. F).		
IX. Underutilization analysis.	1. Turn to app. E to see items needed for evaluation.	.....do.....	Do.
	2. Show the evaluation in numbers and percentages.	.....do.....	Do.
	3. Show the percentage of new employees needed	.....do.....	Do.
X. New hires and terminations.	1. Develop schedule showing new hires for the past 12 months by jobs and ethnic category.	.....do.....	Do.
	2. Develop schedule showing termination by jobs and ethnic category for the past 12 months.	.....do.....	Do.
	3. Develop schedule showing or projecting new hires for the next 12 months.	.....do.....	Do.
XI. Establish goals and timetables.	For each job title where there are underutilization of minority groups and women, give the percentage of the goal you hope to achieve during the next 12 months.	.....do.....	Do.

[1] If the organization does not have a position for personnel supervisor, designate individual who ordinarily performs such duties.

[FR Doc.76-15141 Filed 5-24-76;8:45 am]

CIVIL SERVICE COMMISSION

[5 CFR Part 890]

HEALTH BENEFITS

Application for Approval of Health Benefits Plans

Notice is hereby given that under authority of section 8913 of title 5, United States Code, it is proposed to amend §§ 890.203(a), 890.301(d) and 890.306(c) of 5 CFR Part 890 to provide for a semi-annual review of applications submitted by comprehensive medical plans seeking to participate in the Federal Employees Health Benefits Program.

It is the opinion of the Civil Service Commission that such amendments to the existing health benefits regulations are necessary to facilitate access to the Federal Employees Health Benefits Program by qualified comprehensive medical plans.

Carriers and other interested persons may submit written comments, objections or suggestions to the Bureau of Retirement, Insurance, and Occupational Health, Room 4445, U.S. Civil Service Commission, Washington, D.C. 20415, on or before June 24, 1976.

Accordingly, it is proposed to amend 5 CFR Part 890 as follows:

1. By amending paragraph (a) of § 890.203 to read as follows:

§ 890.203 Application for approval of, and proposal of amendments to, health benefit plans.

(a) Application for approval of comprehensive medical plans may be made by letter to the U.S. Civil Service Commission, Washington, D.C. 20415. This letter application is to be accompanied by such descriptive material, financial data and documentation as the Commission may require in its review process and in the format specified by the Commission. Participation of an approved plan becomes effective either on the January 1st or on the July 1st which is (1) at least nine months after the Commission receives the application and (2) at least six months after the Commission receives all evidence to demonstrate that the plan has met all requirements for approval.

* * * * *

2. By amending paragraph (d) of § 890.301 to read as follows:

§ 890.301 Opportunities to register to enroll and change enrollment.

* * * * *

(d) *Open season.* (1) During the period November 15, 1975, through December 31, 1975, and the period November 15 through November 30 of each year thereafter beginning with 1976, an employee who is not registered to be enrolled may register to be enrolled, and an enrolled employee or annuitant may change his or her enrollment from one plan or option to another, or from self only to self and family, or both.

(2) The Commission may announce and conduct special open seasons for newly approved comprehensive medical plans, except that enrollment during a special open season shall be limited to approved comprehensive medical plans which have qualified under subpart B of this part for public participation effective July 1, 1977, or any July 1 thereafter. During a special open season, which shall take place at such time as the Commission may specify, an enrolled employee or annuitant living in the enrollment area of a newly approved plan may change his or her enrollment from the plan in which he or she is already enrolled to the newly approved plan. The election must be for the same type of coverage (self only or self and family) as the present enrollment unless a change of type is otherwise authorized by this part. The Commission shall determine the effective date of a change in enrollment elected during a special open season.

* * * * *

3. By amending paragraph (c) of § 890.306 as follows:

§ 890.306 Effective dates.

* * * * *

(c) (1) The effective date of a change in enrollment under section 890.301(d) (1) is the first day of the first pay period which begins in January of the next following year, except that a change in enrollment for the open season for employees ending April 14, 1972, and for annuitants ending April 30, 1972, is effective on the first day of the first pay period which begins after April 14, 1972.

(2) The effective date of a new enrollment under section 890.301(d) (1) is the first day of the first pay period which begins in the next following year and which follows a pay period during any part of which the employee is in pay status, except that the effective date of a new enrollment for the open season ending April 14, 1972, is the first day of the first pay period which begins after April 14, 1972, and which follows a pay period during any part of which the employee is in pay status.

* * * * *

UNITED STATES CIVIL SERVICE COMMISSION,

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

[FR Doc.76-15348 Filed 5-24-76;8:45 am]

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

[41 CFR Parts 51-3, 51-4, and 51-5]

WORKSHOPS FOR THE OTHER SEVERELY HANDICAPPED

Designation of Central Nonprofit Agencies

In 1971, Public Law 92-28 extended the priority previously afforded blind workshops to workshops serving the other severely handicapped. Under the provision of Section 2(c) of that Act, the Committee designated six national organizations as central nonprofit agencies to represent workshops for the other severely handicapped. On October 1, 1974, the Committee designated the National Industries for the Severely Handicapped as a central nonprofit agency representing workshops serving the other severely handicapped. The National Industries for the Severely Handicapped was created to replace the six national organizations and eventually to assume responsibility for representing all nonblind workshops. In the interim period since October 1, 1974, the Committee has continued to recognize the six other national organizations as central nonprofit agencies. Effective July 1, 1976, the central nonprofit agency functions for all non-blind workshops is being transferred exclusively to the National Industries for the Severely Handicapped and the designation of the six other national agencies as central nonprofit agencies in § 51-3.1 is being withdrawn.

Changes in wording in § 51-3.3, paragraphs (b) and (d) of § 51-4.1, and para-

graph (b) of § 51–5.1–2 are also required to reflect the fact that the Committee will be dealing with only two central nonprofit agencies, the National Industries for the Blind and the National Industries for the Severely Handicapped. Other minor changes in wording in these sections have been incorporated for clarification.

The above changes are proposed to become effective July 1, 1976.

Comments and views regarding this proposed change may be filed with the Committee no later than June 24, 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.

1. Section 51–3.1 is proposed to read as follows:

§ 51–3.1 General.

Under the provisions of section 2(c) of the Act, the following are designated central nonprofit agencies:

(a) To represent the workshops for the blind: National Industries for the Blind.

(b) To represent the workshops for other severely handicapped: National Industries for the Severely Handicapped, Inc.

2. Paragraphs (b) and (d) of § 51–3.3 are revised to read as follows:

§ 51–3.3 Assignment of commodity or service.

* * * * *

(b) Within 60 days after notification by the Committee that a commodity or service has been proposed for development by a workshop, Federal Prison Industries, Inc. (for commodities only), and National Industries for the Blind (for commodities and services proposed by National Industries for the Severely Handicapped) shall notify the Committee of their decision to exercise or waive their priorities on the commodity or service.

* * * * *

(d) When National Industries for the Blind exercises its priority for a commodity or service requested by National Industries for the Severely Handicapped, the Committee shall assign the commodity or service to National Industries for the Blind. If National Industries for the Blind has not completed the essential steps to place the commodity or service on the Procurement List within nine months after assignment, the Committee shall reassign it to National Industries for the Severely Handicapped. The nine-month period may be extended for a reasonable period of time when National Industries for the Blind has been delayed by conditions beyond its control.

3. Section 51–4.1 is revised to read as follows:

§ 51–4.1 General.

To participate under the Act, a workshop shall be represented by the appropriate central nonprofit agency. The designation of the central nonprofit agency shall not be changed without prior written approval of the Committee.

4. Paragraph (b) of § 51–5.1–2 is revised to read as follows:

§ 51–5.1–2 Allocations and orders.

* * * * *

(b) Letter requests for allocation shall be submitted to the appropriate central nonprofit agency listed below:

Agency	Agency Symbol
National Industries for the Blind, 1511 K St., Suite 1043, Washington, D.C. 20005.	IB
National Industries forthe Severely Handicapped, 4350 East-West Highway, Suite 1120, Washington, D.C. 20014.	SH

* * * * *

By the Committee.

C. W. FLETCHER,
Executive Director.

[FR Doc.76–15221 Filed 5–24–76;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

[FRL 547–6]

APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Proposed Revision to the New York State Implementation Plan

The State of New York submitted to the EPA, Region II Office, on March 16, 1976, proposed revisions to the New York State implementation plan. This revision request was submitted in accordance with all applicable EPA requirements as contained in 40 CFR Part 51. The proposed revisions consisted of administrative orders signed by the commissioner of the New York State Department of Environmental Conservation which establish three special limitations under 6 NYCRR 225.2(b) and three special limitations under 6 NYCRR 225.2 (c). These orders and the limitations contained therein become effective upon EPA approval. In addition to copies of the administrative orders establishing the special limitations, the State also submitted a technical analysis which attempted to show that contravention of national standards for sulfur oxides would not occur when the fuel specified in the special limitations was utilized.

The sources and areas granted the special limitations are as follows:

(a) Pursuant to section 225.2(b): (i) Southern Tier East AQCR;

(ii) Central AQCR; and

(iii) Northern AQCR, with the exception of all sources in the City of Glens Falls and sources with total rated heat input capacities greater than 100 million Btu/hr in the Town of Queensbury.

(b) Pursuant to § 225.2(c): (i) LILCO Port Jefferson Power Plant, units 3 and 4;

(ii) LILCO Northport Power Plant; and

(iii) Niagara Mohawk Oswego Power Plant.

Section 225.2(b) allows the Commissioner to grant special limitations to the applicable sulfur in fuel limitation to sources not having a rated total heat input in excess of 250 million Btu/hr and § 225.2(c) allows the issuance of special limitations to individual sources which have rated heat input capacities of greater than 250 million Btu/hr. In both cases, the maximum permissible sulfur in fuel limitations are 3.0%, by weight, for oil and 2.8 pounds per million Btu gross heat content for coal usage.

The technical analysis submitted by the State utilizes diffusion modeling for the three power plants and proportional modeling for the three AQCRs in question. The Regional Office has preliminarily determined that the power plant analysis is adequate in that it is conservative in nature and does not show contravention of national standards for sulfur oxides when the fuel specified in the special limitations is utilized. The special limitations, if approved by EPA, will allow the sale, offering for sale, purchase and use of fuel with the following sulfur in fuel content, by weight:

(i) LILCO Port Jefferson Power Plant, units 3 and 4—2.8%;

(ii) LILCO Northport Power Plants, units 1 and 2—2.5%;

(iii) Niagara Mohawk Oswego Power Plant, units 1–5—2.8%.

The special limitations are to extend until May 31, 1977. In addition, the administrative orders adopting the special limitations require the affected sources to institute a program of continuous monitoring and fuel switching if national ambient air quality standards for sulfur oxides are exceeded.

The technical analysis for the three AQCRs, on the other hand, is not adequate since the State did not utilize diffusion modeling but used proportional modeling. The proportional modeling technique is incapable, except in very limited areas, of accurately estimating the anticipated air quality impact. In addition, this method is never capable of estimating short term air quality impacts. The conditions necessary for its accurate use, which are not satisfied, are the following:

(1) A very dense sulfur oxide monitoring network;

(2) A homogeneity of contributing sources; and

(3) A nonindependence of impact upon wind direction.

In order for the special limitations for the AQCRs to be found approvable to EPA some type of diffusional analysis would have to be performed.

The Regional Office has notified the State of New York as to what would constitute an acceptable technical justification for the three AQCRs in question. If this justification is submitted during the 15-day public comment period, it is the intention of the Regional Office to make this information available to the public. Should the justification be submitted after the close of the public comment period, the Regional Office will provide addition time for comment by the public.

This notice is issued, as required by section 110 of the Clean Air Act, to advise the public that comments may be submitted on whether the proposed revision should be approved or disapproved. Only comments received during the 15-day public comment period will be considered. The Administrator's decision to approve or disapprove the proposed plan will be based on whether such revision meets the requirements of Section 110 (a)(2) (A)–(H) and EPA regulations in 40 CFR Part 51.

The Agency finds that there is good cause for establishing a 15-day comment period. This is because of the extensive public participation that has already occurred at the State level and the need for prompt administrative action to allow the affected facilities to learn at the earliest reasonable time what special sulfur in fuel limitations will apply.

Copies of the proposed plan revision are available for public inspection during normal business hours at the Air Branch, EPA, Region II, 26 Federal Plaza, New York, New York 10007, and at the New York State Department of Environmental Conservation, Division of Air Resources, 50 Wolf Road, Albany, New York 12233. Additional copies are available for inspection at the Public Information Research Unit, 401 M Street, S.W., Washington, D.C. 20460. All comments should be addressed to the Regional Administrator, Environmental Protection Agency, Region II, 26 Federal Plaza, New York, New York 10007.

Dated: May 13, 1976.

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

[FR Doc.76-15137 Filed 5-24-76;8:55 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 20802 RM-2518]

CIRCULAR OR ELLIPTICAL POLARIZATION

Transmission Standards and Changes

In the matter of amendment of Subpart E, Part 73, of the Commission's Rules and Regulations, to permit Television Broadcast Stations to Employ Circular or Elliptical Polarization.

1. The Commission has before it a Petition for Rule Making filed by American Broadcasting Companies, Inc. (ABC) (RM-2518) requesting amendment of § 73.682(a)(14) of the Commission's rules and regulations to permit the use, on a permissive basis, of circular or elliptical polarization [1] for television broadcast transmissions, much as is presently permitted, and generally used in the FM broadcast service.[2]

2. Before examining the merits and ramifications of the ABC proposal, it is appropriate to review the historical genesis of horizontal polarization. The rules presently provide that all television broadcast stations employ horizontal polarization. This provision was incorporated into the TV technical standards upon the recommendation of the National Television System Committee (NTSC), in a report to the Commission, January 27, 1941. At that time, the NTSC was considered either vertical (as employed in AM broadcasting) or horizontal polarization. Confronted with a meager amount of measured data, which was not conclusive, a unanimous agreement of the Committee could not be attained. Horizontal polarization became a standard for lack of better information.

3. It is well documented at this Commission, by the broadcast industry, and the viewing public, that horizonational polarization is an inapropriate means for minimizing such problems as reflections (ghosts), spotty coverage, and multipath interference. Furthermore, horizontal polarization requires critical antenna orientation for maximum signal and minimum distortion. We are cognizant that the above deficiencies have proven to be a source of serious viewer consternation. For this reason, the overall public interest requires expeditious action on the ABC Petition; we are therefore opening this proceeding with the objective of revising the television rules to permit circular polarization.

4. In its Petition as filed February 12, 1975 [3] and as supplemented by its May 1975, Report on Field Test of Circular Polarization in Television conducted on WLS-TV, Chicago, Illinois, ABC contends that the theoretical advantages of circular polarization over horizontal polarization are indeed observed in practice. More specifically, from data based in large measure on the experiments conducted under Commission authorization at WLS-TV, channel 7, Chicago, ABC makes the following points:

A. The use of circular polarization does not appreciably change a station's service area (based on the horizontal transmission component, the approach used in FM broadcasting).

B. The use of circular polarization does not appreciably change a station's interference impact on co-channel stations operating with conventional polarization, and where both stations operate with circular polarization, a decrease in interference can be expected.

C. The use of circular polarization is beneficial for two reasons. First, it tends to eliminate or reduce visible ghosts on the receiver screen if the viewer employs a circularly polarized receiving antenna. Second, even with a conventional receiving antenna, reception may be improved, due to the additional energy radiated in the vertical plane (which might be received by certain portions of a conventional receiving antenna, particularly where that antenna has not been properly mounted and/or connected).

5. The Association of Maximum Service Telecasters (AMST) has filed comments strongly supporting the concept of circular polarization, but raising certain engineering matters on which further data, partially covered by ABC's subsequent reports, were deemed advisable.

6. The Commission is of the view that the instant proposal is one meriting industry comments, on both its technical and economic aspects. From a theoretical standpoint the alleged benefits are logical to expect, and no significant adverse effects should result. Even though administered on a permissive basis, circular polarization can be implemented only through substantial broadcast station expenditure. However, we are ready to accept the proposal based on the belief that the broadcaster will not implement it without good reason. Here, our experience with FM circular polarization has shown that broadcasters have adopted the approach almost as a standard. Throughout a station's service area, the freedom of its signal from distortion and other aberrations may provide a significant competitive advantage. Circular polarization appears promising as a state-of-the-art method to reduce station reception difficulties. Thus, we are satisfied that a competitive incentive will be generated by the instant proposal; thereby, assuring significant benefits to a substantial number of viewers.

7. On this basis, it is herein proposed that § 73.682(a)(14) of the Commission's rules be modified, as ABC suggests, to read as follows:

> It shall be standard to employ horizontal polarization. However, circular or elliptical polarization may be employed if desired, where clockwise (right-hand) rotation shall be used. The supplemental vertically polarized, effective radiated power resulting from circular or elliptical polarization shall in no event exceed the effective radiated power authorized.

8. In addition, to preclude any ambiguity in the determination of antenna height above average terrain, it is proposed to add the following sentence to the definition of antenna height above average terrain, contained in § 73.681:

[1] As ABC notes, linear (horizontal or vertical) polarization and circular polarization are special instances of "elliptical polarization." In the former case, the polarization ellipse has no minor axis and is linear; in the latter, the major and minor axes are identical, making the ellipse circular. While true "circular" polarization is not necessarily achievable in practice, ABC uses that term to differentiate the proposed technique from the conventional (linear) technique.

[2] Section 73.316(a) of the rules provides in pertinent part, "It shall be standard to employ horizontal polarization; however, circular or elliptical polarization may be employed if desired."

[3] As attachments A and B to its Petition, ABC submitted an interim engineering report on the results of tests conducted at WLS-TV, Chicago, Illinois, under an experimental authorization granted by the Commission in 1973, and a paper on "Circular Polarized TV Transmissions", written by Dr. M. S. Sulkola of RCA.

Where circular or elliptical polarization is employed, the antenna height above average terrain shall be based upon the height of the radiation center of the antenna which transmits the horizontal component of radiation.

9. General comments on this proposal are accordingly requested. Further, based upon the comments of AMST and the advice of the FCC staff, the Commission specifically requests information and knowledgeable views on the following matters:

A. Experimental data is presently available largely from WLS–TV, channel 7, Chicago, Illinois.[4] Recently received from the Jampro Antenna Company is a report on the results of circular polarization using the facilities of KLOC–TV, channel 19, Modesto, California. The Jampro report corroborates the conclusions drawn by ABC, thus implementation in the UHF band appears an immediate and viable reality. At this time, low-band VHF has not had similar experimental testing. Although we would anticipate no deviation from the data collected by KLOC–TV and WLS–TV, we would welcome theoretical or laboratory information on this subject.

B. As yet, no field data has been submitted regarding the effects of circular polarization in instances where indoor, home receiving antennas are employed. While it is expected that improved reception would result, the extent and nature of the improvement achievable in practice has yet to be established for the record.

C. The data presently on file in connection with the WLS–TV experiments represent the observations made along a single radial, and the effects of ghosting were observed at only six locations along that radial. Additional measurement data would be welcomed.

D. Even though the WLS–TV data suggest that no increase in the interference received by a conventional, horizontally polarized antenna would result from circular polarization, the added vertical-signal component might be expected to be picked up by the antenna's downlead. It appears that information on this subject is needed for a proper evaluation of potential receiver effects.

E. The WLS–TV data show that the horizontal pattern of a circularly polarized receiving antenna in a circularly polarized field is similar to a cardioid, with a broad beam-width and a single, deep null approximately opposite the point of maximum field. If such a pattern would be typical of such receiving antennas, this would indeed be a significant advantage, in that antenna orientation would be less critical and interfering signals arriving from the rear of the antenna could be effectively "nulled-out." However, the performance of the antenna employed by WLS–TV was checked at only one location. Given the many variables which could effect such performance, additional data on that antenna would be useful. In fact since the full value of circular polarization can be seen only where a circularly polarized receiving antenna is employed, the Commission believes it important to receive information on such reciving antennas and to what extent various designs would achieve the desired results. Specifically, information on cost, size, electrical characteristics and estimated availability is desired.

F. Two unexpected findings are included in the WLS–TV measurement data. First, ABC notes that an improvement in picture quality for a given value of receiver input voltage seemed to result with circular polarization, even with a conventional receiving antenna. ABC is unable to explain this result, and further data is logically needed. Second, ABC shows that the location variation factor is not improved by circular polarization, which is counter to expectation. Further data on this subject would be useful.

10. Comments are also requested on the possible impact of the instant proposal on the UHF band. Preliminary engineering specifications on file from broadcast antenna manufacturers seem to indicate that circularly polarized UHF antennas will have less gain than their VHF counterparts. Similarly, a doubling of transmitter output power as an alternative for high gain antenna may be unrealistic to expect of UHF licensees. We note, however, that the proposed rule amendment allows a station latitude in choosing the amount of power radiated vertically, up to the maximum effective radiated power authorized. On the other hand, it has been suggested that a one-to-one relationship between horizontal and vertical ERP be required. Prototype antennas appear designed with an axial ratio as low as the state-of-the-art permits, thus equal power distribution would maximize the ghost reducting benefits to the public, provided, circularly polarized receiving antennas are employed. Although this approach is not favored, we welcome any discussion on the above issues.

11. Further, as stated above, we are inclined to agree with ABC that the proposed rule should parallel that now contained in the Commission's FM rules, except that "right-hand" circular polarization should be specified.[5] We believe there would be no useful purpose in specifying further limitations on the employment of circularly polarized transmission (axial ratio, polarization ratio, etc.), since such details are often a function of the physical factors associated with a particular antenna design. However, the proposed rule will allow elliptical polarization as well, achievable in practice by adjusting the magnitude of the horizontal and vertical components. As indicated in paragraph 10 supra, equivalent ERP in both planes is not considered necessary, but the commission is considering that time and space phase quadrature be required of the two components, in order to maximize the partical circular polarization benefits. We recognize, though, that parties may have opposing views, and we wish to receive them.

12. The above points are not intended to limit discussion on this proposal. Instead, they are intended to delinate the particular areas of concern in the matter, and all pertinent information on the subject will be welcomed.

13. Pursuant to applicable procedures set forth in section 1.415 of the Commission's rules, interested persons may file comments on or before June 24, 1976, and reply comments on or before July 6, 1976. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments involved in this Notice.

14. In accordance with the provisions of § 1.419 of the rules, an original and 11 copies of all comments, replies, pleadings, briefs and other documents shall be furnished the Commission. All filings made in this proceeding will be made available for examination by interested persons during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C. 20554.

Adopted: May 11, 1976.

Released: May 25, 1976.

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

1. It is proposed to add the following sentence to the definition of antenna height above average terrain contained in § 73.681:

§ 73.681 Definitions.

* * * * *

Antenna height above average terrain * * *

* * * Where circular or elliptical polarization is employed, the antenna height above average terrain shall be based upon the height of the radiation center of the antenna which transmits the horizontal component of radiation.

* * * * *

2. It is proposed to amend § 73.682(a)(14) to read as follows:

§ 73.682 Transmission standards and changes.

(a) * * *

(14) It shall be standard to employ horizontal polarization. However, circular or

[4] Certain previous experimental data is also available in our files, resulting from earlier testing at WTAJ–TV, channel 10, Altoona, Pennsylvania.

[5] In FM broadcasting, while right-hand circular polarization has become the industry standard, the direction of rotation is not critical in that service. In television, however, such consistency is necessary to the effectiveness of the system, and must be formalized.

elliptical polarization may be employed if desired, where clockwise (right-hand) rotation shall be used. The supplemental vertically polarized, effective radiated power resulting from circular or elliptical polarization shall in no event exceed the effective radiated power authorized.

* * * * *

[FR Doc.76-15216 Filed 5-24-76;8:45 am]

[47 CFR Part 73]

[Docket No. 20811, RM-2681]

FM BROADCAST STATIONS TABLE OF ASSIGNMENTS

Billings, Montana

1. *Petitioner, Proposal and Comments:* (a) Petition for rule making filed September 2, 1975, by Radio Billings, Inc. ("RBI") licensee of AM Station KBMY, Billings, Montana, proposing the assignment of Channel 223 to Billings as a fifth FM assignment.[1]

(b) The channel may be assigned without affecting any existing FM assignments.

(c) The transmitter site for Channel 223 must be located at least 6 miles south of Billings to meet the spacing requirement to Station KPQX(FM) (Channel 223), Havre, Montana.[2]

2. *Demographic Data:* (a) *Location:* Billings, the seat of Yellowstone County, is located approximately 220 miles south of the Canada-United States border and approximately 175 miles southeast of Great Falls, Montana.

(b) *Population:* (1970 U.S. Census)—Billings, 61,581; Yellowstone County, 87,367. Billings is included in the Billings is included in the Billings Urbanized Area (pop. 71,197) and the Billings SMSA (made up of Yellowstone County) (pop. 87,367).

(c) *Present aural services:* Local service is provided by five AM stations—KBMY (Class IV, unlimited-time), licensed to petitioner; KGHL (Class III, unlimited-time); KOOK (Class III, unlimited-time); KOYN (Class III, daytime-only); KURL (Class II, daytime-only) and three FM stations—KOYN-FM (Channel 227); KURL-FM (Channel 246); and KBMS (Channel 253). Additionally, Channel 275 has recently been assigned and is not yet occupied.

(d) *Economic considerations:* Petitioner states that Billings is the largest city in Montana and has become one of the fastest growing areas in the country due to its coal reserve and industry potential, especially in energy production. Billings is also the major trade center for its region, according to petitioner. In addition, petitioner notes that the Commission's market data shows that the stations comprising the Billings radio market have shown net profits of $98,730, $168,316 and $65,251 for the years 1971, 1972 and 1973, respectively.

3. *Additional considerations:* Petitioner concedes that Billings would not qualify for a fifth FM channel under the Commission's population guidelines.[3] However, it argues that the criteria should not be rigidly applied in light of the combined factors of the competitive market conditions, population and economic growth trends and projections, and the abundance of channel assignments available to precluded areas.

4. In the attached engineering report, petitioner proposes a facility operating at 100 kW at 750 feet HAAT, which it claims would provide a first FM service to 2,511 persons and a second FM service to 3,476 persons in an area of 5,987 square miles. It should be noted that our Roanoke Rapids criteria is based upon the reasonable values of 75 kW and 500 feet for a Class C station. According to the engineering study, preclusion would occur on Channels 221A, 222, 223 and 224A. However, Channel 223 represents one of the more efficient assignments from the standpoint of preclusion relative to other available channels, especially in the higher frequencies. Should any communities in the precluded areas express an interest in a channel, a number of assignments could be made.

5. We have treated this proposal in a separate rule making proceeding contrary to petitioner's wishes to include it in Docket No. 20544, adopted May 6, 1976, 41 Fed. Reg. 20172 (1976), where a fourth FM channel (Channel 275) was assigned to Billings. We did so to elicit comments on the need for a fifth FM channel at Billings in light of our population criteria, the areas of preclusion and the suggestion that this proposal was made in part to avoid a comparative hearing. It is our policy to require that submitted proposals result in a fair and equitable distribution of available facilities and that a proposed assignment which merely seeks to avoid a comparative hearing will not normally be considered a sufficient showing. Policy to Govern Requests for Additional FM Assignments, 8 F.C.C. 2d 79 (1967).

6. As it now stands, both petitioner and the proponent for Channel 275 at Billings in Docket No. 20544, Mattco, Inc., have expressed an intent to apply for Channel 275 after its assignment becomes effective. Petitioner has also stated its interest in applying for Channel 223, if assigned. In the event an applicant should obtain a construction permit on Channel 275 before Channel 223 is assigned, we might not have a party interested in pursuing a construction permit for Channel 223. To avoid that possibility we would expect a clear statement of intent from either petitioner herein, Mattco, Inc., or any other interested person as to whether they would file an application for Channel 223, if assigned, and as the case may be, would concurrently withdraw their application for Channel 275, if it is still pending. In addition, should either be unsuccessful in obtaining Channel 275 at the time Channel 223 is assigned, each should state whether it would then file an application for Channel 223.

7. Since Billings is within 250 miles of the Canada-United States border, this proposal is subject to Canadian approval under the provisions of the Working Arrangement under the Canada-United States FM Agreement of 1947.

8. In view of the above, the Commission proposes to amend the FM Table of Assignments (§ 73.202(b) of the Commission's Rules) with regard to the community listed, as follows:

§ 73.202 [Amended]

City	Channel No.	
	Present	Proposed
Billings, Mont.	227, 246, 253,	275 223, 227, 246, 253, 275

9. The Broadcast Bureau's authority to institute rule making proceedings; showings required; cut-off procedures; and filing requirements are contained in the attached Appendix and are incorporated herein.

10. Interested parties may file comments on or before July 2, 1976, and reply comments on or before July 22, 1976.

Adopted: May 13, 1976; released May 19, 1976.

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

APPENDIX

[Docket No. 20811, RM-2681]

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Section 0.281(b)(6) of the Commission's Rules, it is proposed to amend the FM Table of Assignments, Section 73.202 (b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build

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[1] RBI submitted this proposal as a counterproposal in Docket No. 20544 in which a proposed fourth Class C FM channel for Billings was adopted. We decided to pursue this proposal to assign a fifth channel to Billings in a separate proceeding rather than consolidate the two proposals for reasons stated in that Docket and which are repeated herein, para. 5.

[2] The minimum mileage separation requirements for co-channel Class C channels is 180 miles under Section 73.207(a) of the Commission's Rules.

[3] Further Notice of Proposed Rule Making in Docket No. 14185, 27 Fed. Reg. 7797 (1962), incorporated by reference in Third Report, Memorandum Opinion and Order in Docket No. 14185, Para. 25, 40 F.C.C. 747, 758 (1963).

the station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of Commission Rules.)

(b) With respect to petitions for rule-making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in Sections 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission Rules.)

5. *Number of copies.* In accordance with the provisions of Section 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc.76-15186 Filed 5-24-76;8:45 am]

[47 CFR Part 73]

[Docket No. 20810, RM-2580]

FM BROADCAST STATIONS TABLE OF ASSIGNMENTS

Pinckneyville, Illinois

1. The Commission has for its consideration a petition filed by the Du Quoin Broadcasting Company (Du Quoin), licensee of Stations WDQN and WDQN-FM in Du Quoin, Illinois, on May 16, 1975, for rule making to delete Channel 280A from Pinckneyville, Illinois (1970 pop. 3,377). This petition is opposed by Coalbelt Broadcasters (Coalbelt), not presently a licensee, but the original petitioner for this channel, and present applicant before the Commission for an FM construction permit which proposes operation on the channel. Du Quoin has filed a reply to Coalbelt's opposition. We shall also consider in this proceeding the pleadings filed by the parties in both the application proceeding (BPH-9320) and the original rule making proceeding (Docket No. 19963; RM-2290; sub nom. Johnstown, Ohio, et al.). An appendix is attached which summarizes the history of the Pinckneyville assignment.

2. Du Quoin contends that the Commission acted upon misleading information as to the availability of a transmitter site in making the original channel assignment. Du Quoin seeks deletion of what it claims is an erroneous and defective assignment. Coalbelt denies Du Quoin's contention, but has requested a waiver of Section 73.207, the minimum mileage separation rule, in the application proceeding because of changed circumstances since the original assignment. Coalbelt states in the application that a non-short-spaced transmitter site is not available at the present time.

3. The Commission's unvarying policy is that FM channel assignments fully comply with our minimum mileage separation requirements. We would not intentionally make a short-spaced assignment. FCC Rule 73.208(a)(4) states:

(4) Where the distance between the reference point in a community to which a channel is proposed to be assigned and the reference point in another community or communities does not meet the minimum separation requirements of § 73.207, the channel may be assigned to such community upon a showing that a transmitter site is available that would meet the minimum separation requirements of § 73.207 and the minimum field intensity requirements of § 73.315.

The Commission made the assignment to Pinckneyville, over Du Quoin's objections, based upon a showing by Coalbelt that its amended "reference site" met minimum separation and coverage requirements. Since a showing of an available transmitter site is one of the requirements of assignment, we took Coalbelt's "reference site" to be its intended (and available) transmitter site, since no other site was named. While Du Quoin's objections raised a question in the proceeding of site availability, we felt sufficiently assured of availability to make the assignment and resolve the issue in the application proceeding.

4. Now, however, Coalbelt itself says (in its replies to Du Quoin's petition and Du Quoin's opposition to the application) that its "reference site" was not an intended transmitter site, but "was used only to determine minimum mileage separations." If so, the Commission misunderstood Coalbelt's assertions in the rule making proceeding with regard to transmitter site availability.[1] Had we known that no available transmitter site had been specified by Coalbelt, we would not have assigned the channel. In light of Coalbelt's statements that a non-short-spaced transmitter site is now unavailable, and that it did not specifically identify one in the rule making proceeding, the Commission will re-examine the Pinckneyville assignment.

5. If the assignment was defective for lack of identifying an available transmitter site, we would prefer to remedy the defect rather than delete the channel. Therefore, even in view of Coalbelt's failure to provide the Commission with the information, we would be inclined to uphold the assignment if it could be shown that a specific transmitter site was available at the time of the assignment that met the spacing and coverage requirements. Unless otherwise convinced, it appears to us that Coalbelt was put on notice that its amended "reference site" was not an available transmitter site at the time of the rule making, because the site was owned by a coal company that refuses to sell or lease its land. We have not been informed as to whether Coalbelt knew or should have known that other non-short-spaced transmitter sites were unavailable due to the airport plans at the time of the rule making.

6. Therefore, we ask that the parties specifically address, in detail, the matter of the availability of a non-short-spaced transmitter site at the time of the assignment, including the specific dates on which petitioner knew or should have known that specific sites had become unavailable. We are still of the view that Pinckneyville is in need of an FM channel, but we will adhere to our minimum separation requirements in rule making proceedings. Therefore, we invite comments on the proposal to delete FM Channel 280A from Pinckneyville, Illinois, amending the FM Table of Assignments, § 73.202(b) of the Commission's Rules, with respect to the community listed below:

§ 73.202 [Amended]

City	Channel No.	
	Present	Proposed
Pinckneyville, Ill.	280A	----

7. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix B and are incorporated herein.

8. Interested parties may file comments on or before July 2, 1976, and reply comments on or before July 22, 1976.

Adopted: May 11, 1976; released May 20, 1976.

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

APPENDIX A

BACKGROUND

1. Coalbelt originally petitioned the Commission to assign Channel 280A to Pinckneyville, Illinois on November 8, 1973, promising to construct a facility at or near its proposed transmitter location and reference point. The Commission issued a Notice of Proposed Rule Making (Docket 19963; adopted March 7, 1974; released March 12, 1974) stating that the transmitter site must be located at least 8 miles from Pinckneyville to meet the minimum mileage separation requirements and questioning the

[1] Du Quoin's allegations of misrepresentation and lack of candor against Coalbet are matters for later consideration in an application or hearing context, if still in issue.

availability of a suitable site from which the station would be able to provide the requisite city grade signal over the community.

2. The comments of Coalbelt on April 12, 1974, contained a letter from a real estate agent stating that land was available for sale in sections 28, 29, 32, and 33 of Township 6 S, Range 2 W, of Perry County, "which is the area in question relative to a site at or very near the reference point." Du Quoin filed comments in opposition on the same day demonstrating that the proposed transmitter location would not enable a station to place the requisite city grade signal over the entire community. By reply comments of May 8, 1974, it presented a letter from an attorney for United Electric Coal Company (owner of some of the land in the reference area) stating that it was the owner's policy not to sell or lease any of the properties in Sections 28 and 29.

3. Upon learning that its proposed transmitter site could not provide the requisite signal over all of the community, Coalbelt on May 9, 1974, by reply comment, changed its reference site to a point which met minimum separation requirements and provided the requisite coverage. Neither party addressed the issue of whether a transmitter site was available at or near this reference site. (Coalbelt in its application pleadings now indicates that this reference site is in Township Section 21 and that land is owned by the United Electric Coal Company and therefore not available for sale or lease.)

4. The Commission assigned the channel in its Report and Order of July 9, 1974 (47 F.C.C. 2d 887) finding that the public interest would be thereby served. The Commission considered the question of whether the site was legally available to be marginal, and a matter more capable of resolution in the application proceeding.

5. Coalbelt, on January 17, 1975, filed its application for a construction permit requesting a waiver of the Commission's minimum mileage separation requirements stating that it could not obtain the property at its reference site which was owned by the United Electric Coal Company. Coalbelt stated that it had attempted to locate other property which would comply with the Commission's requirements, however, a new airport plan for Pinckneyville made all other non-short-spaced sites unavailable. Coalbelt has amended its waiver request and now seeks a site 0.6 miles short-spaced to KMOX-FM, St. Louis, Missouri, and 1.2 miles short-spaced to WNOI(FM), Flora, Illinois. Du Quoin has opposed the Coalbelt application for construction permit and in the alternative has required a hearing on the issues in that proceeding. The Commission asked for and received a letter from the managing partner of Coalbelt to support its claim that considerable effort was expended in searching for another site which would not involve short-spacing and that no such sites were available.

APPENDIX B

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and Section 0.281(b)(6) of the Commission's Rules, it is proposed to amend the FM Table of Assignments, Section 73.202(b) of the Commission's Rules and Regulations, as set forth in the Notice of Proposed Rule Making to which this Appendix is attached.

2. *Showings required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of Commission Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission Rules.)

5. *Number of copies.* In accordance with the provisions of Section 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc.76-15188 Filed 5-24-76;8:45 am]

[47 CFR Part 73]

[Docket No. 20812, et al.]

FM BROADCAST STATIONS TABLE OF ASSIGNMENTS

Saegertown, Pennsylvania, et al.

1. The Commission has under consideration four petitions which propose amending § 73.202(b) of the rules, the FM Table of Assignments, by assigning a first FM channel to each of the above-mentioned communities. None of these four communities is located near an urbanized area. All of the proposed channels could be assigned to the respective communities in conformity with the Commission's minimum mileage separation rule and without affecting any of the presently assigned FM channels. No oppositions were filed to any of the proposals. All petitioners state that, if their proposed assignment is made by the Commission, they will promptly apply for the facility and, if authorized, will construct a station. The specific channel that has been proposed for each locality and the identity of the respective petitioners are as follows:

RM-2647 Channel 232A to Saegertown, Pennsylvania (Corry Broadcasting, Inc.)
RM-2660 Channel 269A to Carpinteria, California (Israel Sinofsky)
RM-2671 Channel 269A to Two Harbors, Minnesota (FM Station Atlas)
RM-2672 Channel 221A to Grass Valley, California (Mother Lode Broadcasting Co.)

A brief description of each petition follows:

2. *Saegertown, Pennsylvania (RM-2647).* Corry Broadcasting, Inc. (petitioner) filed a petition on January 28, 1976, proposing the assignment of Channel 232A to Saegertown, Pennsylvania. Saegertown (pop. 1,348)[1] is located in Crawford County (pop. 81,342) and is situated in the northwestern part of Pennsylvania. It has no local broadcast transmission service.

3. The Canadian Government has given its concurrence to the assignment of Channel 232A to Saegertown, Pennsylvania.

4. Petitioner states that Saegertown's principal industries are component parts for radio and television, electrical components, soft drinks, bolt and screw parts molding and equipment, manufacturing of bonded adhesives, and tool and die operations. It adds that the proposed assignment would serve as a local outlet for public expression since the only other local media in the Saegertown area is the Meadville Tribune. In review of the need for a first full-time local service in Saegertown we believe the proposal for the assignment of a first Class A FM channel to Saegertown merits consideration in a rule making proceeding.

5. *Carpinteria, California (RM-2660).* Israel Sinofsky (petitioner) filed a petition on February 26, 1976, proposing the assignment of Channel 269A to Carpinteria, California. Carpinteria (pop. 6,982) is located in Santa Barbara County (pop 264,324) and situated 76 miles northwest of Los Angeles and 11 miles southeast of Santa Barbara. It has no local broadcast transmission service.

6. Petitioner states that, between 1960 and 1970, the population of Carpinteria increased from 4,998 to 6,982, and that a recently completed Master Plan for the city calls for a planned growth to a population of 18000 in 1995. He notes that the major employers in Carpinteria include Electro-Optics Division of Infra-red Industries, Inc. and Sambo's restaurant training and service center with the economic spotlight focusing on the burgeoning horticulture industry that employs more than 800 people with an annual payrol of more than $5.5 million. Petitioner adds that the proposed assignment will afford the city and surrounding area a first local radio source for information, expression and advertising. He also points out that a community need now exists for over-the-air reports of local events, referendums, city council meetings, and school information. In view of

[1] All population data are taken from the 1970 U.S. Census.

the above, we believe consideration of the proposal for the assignment of Channel 269A to Carpinteria, California, is warranted.

7. *Two Harbors, Minnesota (RM-2671).* FM Station Atlas (petitioner) filed a petition on March 12, 1976, proposing the assignment of Channel 269A to Two Harbors, Minnesota. Two Harbors (pop. 4,437) the seat of Lake County (pop. 13,351), is ocated approximately 18 miles northeast of Duluth, Minnesota. There is no local broadcast transmission in Two Harbors or Lake County.

8. In support of its request, petitioner states that industry in Two Harbors is diversified, encompassing arts and crafts manufacturing, the manufacturing of heavy equipment used in logging, and year-round dock loading facilities for Great Lakes shipping of ore pellets called Taconite. It points out that, because of severe winter weather in this part of northeastern Minnesota, it is desirable to have a local radio station on the air to announce school closings and to broadcast city council meetings or news. In view of the foregoing information and the fact that there is no local broadcast service in Two Harbors or Lake County, we believe the above proposal to assign Channel 269A to Two Harbors, Minnesota, merits exploration in a rule making proceeding.

9. *Grass Valley, California (RM-2672).* Mother Lode Broadcasting Co. (petitioner) filed a petition on March 16, 1976, proposing the assignment of Channel 221A to Grass Valley, California. Grass Valley (pop. 5,149), is located in Nevada County (pop. 26,346) and situated about 50 miles northeast of Sacramento. There is no local broadcast transmission service in Grass Valley or Nevada County.

10. Petitioner states that Green Valley has experienced a population increase of 5.6% since 1960. It adds that Grass Valley and Nevada County have several large industries and retail and service establishments. Petitioner further states that the addition of a locally programmed FM broadcast station to this city would provide a medium through which critical community needs such as earthquake warnings, weather alerts, etc. could be met. In view of the above, we believe consideration of the proposal for the assignment of Channel 221A to Grass Valley, California, is warranted.

11. Since Two Harbors, Minnesota, is within 250 miles of the U.S. Canadian border, the assignment of the channel to this community requires coordination with the Canadian Government. Carpinteria, California, is within 199 miles of the Mexican-U.S. border and therefore requires coordination with the Mexican Government.

12. In light of the foregoing, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations as follows with regard to the communities listed:

§ 73.202 [Amended]

City	Channel No.	
	Present	Proposed
Carpinteria, Calif.		269A
Grass Valley, Calif.		221A
Two Harbors, Minn.		269A
Saegertown, Pa.		232A

13. The Commission's authority to institute rule making proceedings; showings required; cut-off procedures; and filing requirements are contained in the attached Appendix and are incorporated herein.

14. Interested parties may file comments on or before July 2, 1976, and reply comments on or before July 22, 1976.

Adopted: May 13, 1976; released May 20, 1976.

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

APPENDIX

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and Section 0.281(b)(6) of the Commission's Rules, it is proposed to amend the FM Table of Assignments, Section 73.202 (b) of the Commission's Rules and Regulations, as set forth in the Notice of Proposed Rule Making to which this Appendix is attached.

2. *Showings required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of Commission rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in Sections 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission Rules.)

5. *Number of copies.* In accordance with the provisions of Section 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc.76-15190 Filed 5-24-76;8:45 am]

[47 CFR Part 73]

[Docket No. 20809, RM-2651]

TELEVISION BROADCAST STATIONS TABLE OF ASSIGNMENTS

Cheyenne, Oklahoma

1. The Commission has under consideration a petition for rule making filed by the Oklahoma Educational Television Authority (OETA). The petition seeks the amendment of Section 73.606(b) of the Commission's Rules, the Television Table of Assignments, by the assignment of Channel 12 to Cheyenne, Oklahoma. Reservation of the channel for noncommercial educational use is requested.

2. Petitioner is the Oklahoma governmental entity charged with providing educational television service to the residents of that state. As such, it presently is the licensee of noncommercial educational television stations KETA-TV (Channel *13), Oklahoma City, and KOED-TV (Channel *11), Tulsa. In addition, the Commission recently assigned Channel *3 to Eufaula, Oklahoma, at the request of OETA (Report and Order in Docket 20583, released December 3, 1975).[1]

3. In conjunction with CATV systems within the state, we are told, approximately 85% of the Oklahoma population receives service from OETA's Tulsa and Oklahoma City stations. The Cheyenne assignment is sought to provide service to significant unserved areas of the western portion of the state, petitioner notes, including the western panhandle.

4. The Community of Cheyenne (pop. 892) is the seat of Roger Mills County (pop. 4,452) and is located approximately 110 miles west of Oklahoma City and 20 miles east of the Oklahoma-Texas border. It was selected as the site for the proposed assignment on the basis of meeting the Commission's mileage separation requirements and permitting

[1] An application for the use of the Eufaula assignment has been submitted by OETA.

rendition of service to the western area of the state. (Analogous criteria was employed by OETA in selecting Eufaula.)

5. A transmitter site approximately 2.3 miles south of Cheyenne has been selected by OETA in order to meet the Commission's spacing requirements to all pertinent co- and adjacent channel stations. A change in the carrier offset of one existing station will be required, however, if the proposed Cheyenne assignment is to maintain the triangular grid pattern associated with co-channel assignments. The affected station is KFDW-TV in Clovis, New Mexico. Assuming a positive offset for the proposed assignment, the offset of the Clovis station must be modified from positive to negative. No other offset changes are required.

6. As a result of our consideration of the OETA petition, we are requesting comments on the proposal to assign Channel *12 to Cheyenne. Petitioner is specifically requested to comment upon its willingness to reimburse the licensee of KFDW-TV for all reasonable expenses that may be incurred in modifying its offset if the Commission decides to assign Channel *12 to Cheyenne. In view of the foregoing, we therefore propose to consider the following revision in the Television Table of Assignments (Section 73.606(b) of the Rules), with respect to the cities listed below:

§ 73.606 [Amended]

City	Channel No.	
	Present	Proposed
Cheyenne, Okla.		*12+
Clovis, N. Mex.	12+	12−

7. *It is ordered*, That pursuant to section 316 of the Communications Act of 1934, as amended:

(a) Bass Broadcasting Co., licensee of Station KFDW-TV, Clovis, New Mexico, shall show cause why its license should not be modified to specify operation on Channel 12− instead of Channel 12+ if the Commission in this proceeding finds it in the public interest to assign Channel *12+ to Cheyenne, Oklahoma, and to substitute Channel 12− for Channel 12+ at Clovis, New Mexico; this Order being made with the understanding that the permittee of Channel *12+ at Cheyenne, Oklahoma, will pay reasonable reimbursement of expenses incurred in the change of channel offset of Station KFDW-TV at Clovis, New Mexico.

(b) Pursuant to Section 1.87 of the Commission's Rules and Regulations, the licensee of Station KFDW-TV, Clovis, New Mexico, may, not later than July 22, 1976, request that a hearing be held on the proposed modification. Pursuant to Section 1.87(f), if the right to request a hearing is waived, Bass Broadcasting Co. may, not later than July 22, 1976, file a written statement showing with particularity why its license should not be modified as proposed in this Order to Show Cause. In this case, the Commission may call on Bass Broadcasting Co. to furnish additional information, designate the matter for hearing, or issue without further proceedings, an Order modifying the license as provided in the Order to Show Cause. If the right to request a hearing is waived and no written statement is filed by the date referred to above, Bass Broadcasting Co. will be deemed to consent to modification as proposed in the Order to Show Cause and a final Order will be issued by the Commission, if the channel changes mentioned above are found to be in the public interest.

8. *It is directed*, That the Secretary of the Commission shall send a copy of this Notice of Proposed Rule Making by certified mail, return receipt requested, to Bass Broadcasting Co., Clovis, New Mexico, the party to whom the Order to Show Cause is directed.

9. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

10. Interested parties may file comments on or before July 2, 1976, and reply comments on or before July 22, 1976.

Adopted: May 13, 1976; released May 19, 1976.

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

APPENDIX

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and Section 0.281(b)(6) of the Commission's Rules, it is proposed to amend the TV Table of Assignments, Section 73.606 (b) of the Commission's Rules and Regulations, as set forth in the Notice of Proposed Rule Making to which this Appendix is attached.

2. *Showings required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of Commission Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission Rules.)

5. *Number of copies.* In accordance with the provisions of Section 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspetcion of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc.76-15189 Filed 5-24-76;8:45 am]

[47 CFR Part 73]

[Docket No. 20781, RM-2585]

TABLE OF ASSIGNMENTS, TELEVISION BROADCAST STATIONS

Huntsville, Alabama

In the matter of amendment of § 73.606(b), Table of Assignments, Television Broadcast Stations (Huntsville, Alabama).

1. On April 19, 1976, the Commission adopted a notice of proposed rule making in the above-entitled proceeding (41 F.R. 17785). The dates for filing comments and reply comments are presently June 3 and June 23, 1976, respectively.

2. On May 10, 1976, counsel for Tennessee Valley Radio and Television Corporation (Tennessee Valley), requested that the time for filing comments be extended to and including July 2, 1976. Counsel states Tennessee Valley is represented by a small law firm which faces pre-existing business and personal commitments between now and the present due date for comments. He adds that this two-man law firm is scheduled for hearings in June on other matters and in view of the intense scheduling the requested additional time is necessary in order to prepare adequate comments in this proceeding.

3. We are of the view that the public interest would be served by extending the time in this proceeding. Accordingly, it is ordered, That the dates for filing comments and reply comments are extended to and including July 2 and July 22, 1976, respectively.

4. This action is taken pursuant to authority found in Sections 4(i), 5(d)(1) and 303(r) of the Communications Act

of 1934, as amended, and Section 0.281 of the Commission's Rules.

Adopted: May 18, 1976.

Released: May 20, 1976.

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

[FR Doc.76-15215 Filed 5-24-76;8:45 am]

FEDERAL ENERGY ADMINISTRATION

[10 CFR Part 430]

ENERGY CONSERVATION PROGRAM FOR APPLIANCES

Notice of Extension of Public Hearings, Extension of Written Comment Period, and Intent To Publish Further Notice of Proposed Rulemaking Regarding Energy Efficiency Improvement Targets

On May 10, 1976, the Federal Energy Administration (FEA) issued proposed energy efficiency improvement targets for ten types of appliances, pursuant to Part B of Title III (42 U.S.C. 6291-6309) of the Energy Policy and Conservation Act (Act) (Pub. L. 94-163). The proposed targets were set forth in a notice appearing in 41 FEDERAL REGISTER 19977 et seq., May 14, 1976. This notice provided an opportunity for written comment through June 7, 1976 and an opportunity to make oral presentations at public hearings from May 24 through June 1, 1976.

On May 21, 1976, in Civil Action No. 76-911, the United States District Court for the District of Columbia ordered:

(1) That the conducting of public hearings scheduled to commence on May 24, 1976 commence on that date;

(2) That these hearings continue through June 9, 1976; and

(3) That the period for written comment continue through June 15, 1976.

Pursuant to this order and as set forth below, FEA is commencing the public hearings on May 24, 1976 as originally scheduled; is extending the date for submission by interested persons of written data, views, or arguments; and is scheduling additional dates for public hearings in addition to those announced in the notice appearing in the FEDERAL REGISTER of May 14, 1976.

The date for submission by interested persons of written data, views, or arguments is extended until 4:30 p.m., e.d.t., June 15, 1976. Procedures for such submissions set forth in the May 14 FEDERAL REGISTER notice pertain as applicable.

The public hearings on the additional days will be held, from June 2, 1976 to June 9, 1976, beginning each day at 9:30 a.m. in Room 3000A, Federal Building, 12th and Pennsylvania Avenue, NW., Washington, D.C. 20461. The schedule for such hearings is as follows:

June 2, 1976—Clothes dryers and clothes washers
June 3, 1976—Dishwashers and water heaters
June 4, 1976—Refrigerators and refrigerator-freezers and freezers
June 7, 1976—Kitchen ranges and ovens
June 8, 1976—Room air conditioners and television sets
June 9, 1976—Home heating equipment, not including furnaces

Procedures regarding public hearings set forth in the May 14 FEDERAL REGISTER notice pertain to these further public hearing dates as well, with the following exceptions. The written request for an opportunity to make an oral presentation must be received before 4:30 p.m., e.d.t., on May 28, 1976. The agency will also receive until this time oral requests for an opportunity to make an oral presentation if a written request is subsequently received at any time prior to the hearing in question. Such oral requests should be directed to Linda Hagge, (202) 254-5201. A person making a request for an opportunity to make an oral presentation should give a phone number where he or she can be reached through June 15, 1976. Each person selected to be heard will be notified by FEA before 4:30 p.m., e.d.t., June 1, 1976, and must submit 100 copies of his or her statement before 4:30 p.m., e.d.t., June 1, 1976. Any interested person may submit questions, to be asked of any person making a statement at the hearing, before 4:30 p.m., e.d.t., June 1, 1976. The opportunity, pursuant to section 336(a)(1)(B) of the Act, for any interested person to question employees of the United States who have made written presentations may be availed of by submission of written questions which must be received by June 18, 1976.

After completion of these hearings and subsequent to the close of the written comment period, FEA intends to publish in the FEDERAL REGISTER a further notice of proposed rulemaking regarding energy efficiency improvement targets for these ten types of appliances, with further opportunity for written and oral comment.

(Energy Policy and Conservation Act, Pub. L. 94-163; Federal Energy Administration Act of 1974, Pub. L. 93-275; E.O. 11790, 39 FR 231851.)

Issued in Washington, D.C., May 24, 1976.

DAVID G. WILSON,
Acting General Counsel,
Federal Energy Administration.

[FR Doc. 76-15433 Filed 5-24-76;12:01 pm]

FEDERAL TRADE COMMISSION

[16 CFR Part 437]

FOOD ADVERTISING

Change of Dates for the Washington, D.C. Hearings on Proposed Trade Regulation Rule

On March 2, 1976, the Presiding Officer published in the FEDERAL REGISTER (41 F.R. 8980) Final Notice of proposed trade regulation rulemaking proceedings concerning Food Advertising. The Notice included a schedule of dates and places of public hearings to be held in that proceeding.

As published in such Final Notice the date set for commencement of the hearings in Washington, D.C. was June 7, 1976. This date has now been changed to November 15, 1976. Thus, public hearings will be held commencing on November 15, 1976 at 9 a.m. in Washington, D.C., Room 332, Federal Trade Commission Building, Pennsylvania Avenue at 6th Street, NW., Washington, D.C.

Since it is now anticipated that the Washington D.C. hearings will be of longer duration than those of the other sites selected, persons desiring to present their views orally in Washington should so inform the Commission's representative listed below no later than September 21, 1976:

Ms. Lois Dimore [202-724-1489], Division of National Advertising, Bureau of Consumer Protection, Federal Trade Commission, Washington, D.C. 20580.

All other provisions of the Final Notice of March 2, 1976, including the dates and places of the other hearings, remain the same and the instructions and requirements set forth therein should be observed.

Issued: May 20, 1976.

WILLIAM D. DIXON,
Presiding Officer.

[FR Doc.76-15172 Filed 5-24-76;8:45 am]

POSTAL SERVICE

[39 CFR Part 111]

BULK THIRD CLASS

Reporting on or Segregating Local Mail; Extension of Comment Period

This notice extends the period for comments to the notice, published April 20, 1976 (41 FR 16579), proposing to require mailers of third-class bulk mail at certain post offices to use Postal Service Form 3602 to report separately the number of pieces in each mailing that are addressed for delivery by the post office where the permit imprint was issued. Alternatively, such mailers could segregate this local mail from the rest of the mailing in separate trays, so that the accepting postal employee could easily ascertain and record the weight of the local component of the mailing.

A request for an extension of time was submitted by Associated Third Class Mail Users (ATCMU), which requested that the comment period be extended to June 19, 1976. ATCMU stated that the proposed new rule on the reporting and segregating of local bulk third-class mail would have a substantial impact on its approximately 600 members, who are users of bulk third-class mail, and that additional time was needed to confer with these members and prepare comments. ATCMU stated that the requested extension would provide adequate time to do this.

The Postal Service has decided to grant the request for an additional comment period, and thus the comment period is hereby extended to June 19, 1976. The original closing date was May 20, 1976.

(39 U.S.C. 401)

ROGER P. CRAIG,
Deputy General Counsel.

[FR Doc.76-15155 Filed 5-21-76;11:44 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.

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-12453; File No. SR-CBOE-1976-9]

CHICAGO BOARD OPTIONS EXCHANGE, INC.

Self-Regulatory Organizations; Rule Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1) as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT BY EXCHANGE OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

PRIVATELY COMMUNICATED PRICE INFORMATION

Rule 4.19. No member or person associated with a member, for an account in which such member or person has an interest, or for an account with respect to which such member or person exercises investment discretion, shall engage in the practice of entering orders or making bids or offers for options on the basis of price information as to a trade in the underlying security obtained by such member or person by or through any private communication system set up, designed or utilized for the purpose of obtaining such information in advance of the time such information is publicly disseminated via a tape or communications network, until such information has been so disseminated.

INTERPRETATIONS AND POLICIES

.01 Rule 4.19 prohibits members and persons associated with members from knowingly engaging in the practice of trading in options on the basis of price information concerning transactions in underlying securities transmitted to them via telephone or other private communications arrangements from the floor of an exchange (or other market) on which the underlying securities are traded in advance of the time such information is publicly available. Public outcry on the floor of the Exchange shall not be deemed to make such information publicly available for purposes of this Rule, except in unusual circumstances with the advance approval of a Floor Official. Rule 4.19 is not addressed to market information obtained other than by private communication from the market in which the underlying security is traded. In respect of nonpublic market information not covered by this Rule, members should be aware of Rule 4.18 covering nonpublic information concerning block transactions.

STATEMENT BY EXCHANGE OF BASIS AND PURPOSE

The purpose of proposed Rule 4.19 and the related interpretation is to stop the activity commonly known as "tape racing" from taking place on the floor of CBOE.

This activity takes advantage of the fact that there is inevitably some delay between the time a transaction in an underlying security takes place on the floor of the New York Stock Exchange and the time it is reflected on the last sale price display on the floor of CBOE. This delay presents an opportunity for certain members to establish their own private communications links between the two exchanges (utilizing such techniques as combinations of hand signals and telephone lines) and thereby receive on the CBOE floor information concerning transactions on NYSE prior to the time this information is generally available.

Once a member of CBOE is in possession of nonpublic price information concerning NYSE transactions, it may be used by him in several ways. First, the member may be able to conclude that certain bids or offers currently being made on the CBOE floor by or on behalf of persons not privy to this information do not accurately reflect the true value of the option in light of the latest price, and that opportunities exist to buy or write these options at advantageous prices. The member would thus be in a position to accept those bids or offers which he believes to be attractively priced in advance of the time the person making the bid or offer was aware of the NYSE transaction. Such bids or offers could be those of market-makers, those of floor brokers representing the bids and offers of customers, or bids and offers in the Board Broker's book.

Nonpublic market information of this sort can also be used to facilitate the execution of spread orders, since a member on the floor holding a spread order who knows that the price of the underlying stock had just increased on NYSE would execute the long side of his spread prior to the time the NYSE transaction prints, and then would execute the short side after the transaction prints. Where the advance information from NYSE reflects a downtick in the underlying stock, the spread would be executed in reverse—first the short side and then the long.

Although CBOE recognizes the value of arbitrage transactions in keeping prices in line between markets, where such arbitrage is based upon nonpublic price information privately communicated to the CBOE floor, it has the following undersirable consequences. First, market-makers are reluctant to fulfill their obligations to make bids or offers knowing that they may be selectively accepted by other members on the basis of information not available to the market-makers. Second, floor brokers are unable to compete, particularly in the execution of customers' spread orders or orders contingent upon the price of the underlying stock. Third, Board Brokers find it difficult to administer their posts in the situation where bids and offers in the crowd tend to follow the lead of the member known to have advance NYSE prices, rather than to reflect the diverse opinions of competing market-makers trading on the basis of equal information. For these reasons, CBOE is proposing Rule 4.19 to put an end to this practice.

Although representations have been made to CBOE that the recent installation of a high speed communication line from the NYSE floor to various display devices, including those on the CBOE floor, has so reduced the interval between the time a transaction takes place on NYSE and the time it is reported on the CBOE floor as to make tape racing not practical, CBOE's own studies show that this is not the case. The high speed line has undoubtedly improved the timeliness of price reporting, but tests made with the cooperation of dual member firms show that, depending upon the physical location of the member's communication booth on the NYSE floor in relation to the post where a particular stock is traded, it is possible to communicate last sale price information to the CBOE floor an average of about two minutes before the information appears on the high speed line. Of course, the best evidence that the time delay is sufficient to permit tape racing to take place is the observation of CBOE floor members that tape racing does in fact continue to occur in at least one stock on a regular basis. CBOE remains hopeful that continued improvements in the speed of communicating last sale information from the NYSE floor will in time make successful tape racing impractical. Until then, however, CBOE believes that proposed Rule 4.19 is an appropriate measure to deal with the present situation.

It is important to note that proposed Rule 4.19 has as its purpose only the limited one of eliminating tape racing as described above. The Rule is not directed at other questions concerning the use of nonpublic market information, nor is it intended to interfere with bona fide arbitrage transactions, except in the limited circumstance where such arbitrage depends upon private communication of price information to the CBOE floor in advance of its public dissemination. CBOE recognizes that the general subject of nonpublic market information raises many complex and difficult questions, and by proposing Rule 4.19, CBOE does not intend to take any position concerning these other questions.

Proposed Rule 4.19 has as its basis under the Act the provisions of Section 6(b)(5) requiring that exchange rules be designed "to prevent fraudulent and manipulative acts and practices and to promote just and equitable principles of trade, * * * and, in general, to protect investors and the public interest."

Comments of members concerning proposed Rule 4.19 generally fall into two categories. On the one hand, certain members, mostly those performing one or more floor functions, have urged the adoption of a rule directed broadly at uses of nonpublic market information. On the other hand, certain members whose activities commonly include arbitrage transactions, with or without involvement in options, have expressed concern that any rule adopted by CBOE in this area would interfere with legitimate arbitrage activity to the detriment of securities markets generally. Although the latter category of commenting members do not necessarily engage in or support tape racing, they urge that on balance the problems presented by tape racing are not of sufficient magnitude to justify the risks to legitimate arbitrage which they believe will follow from adoption of an anti-tape racing rule. CBOE has attempted to reflect the interests of both groups of members in adopting a rule of narrow scope which will effectivey end tape racing but will not restrict bona fide arbitrage.

No burden of competition is or will be imposed by proposed Rule 4.19.

On or before June 29, 1976 or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Washington, D.C., 20549. Copies of the filing with respect to the foregoing and all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted within 30 days of the date of this publication.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

MAY 18, 1976.

[FR Doc.76-15201 Filed 5-24-76;8:45 am]

[Release Nos. 33-5707 and 34-12454]

CORPORATE DISCLOSURE

Request for Comments on Issues

At the request of the Advisory Committee on Corporate Disclosure (the "Committee"), the Securities and Exchange Commission today published the Committee's "Solicitation of Public Comments on Issues to be Addressed."

The Commission wishes to note that this solicitation is being made by the Committee and that the Commission is merely providing its facilities to assist the Committee in soliciting public comment.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

MAY 18, 1976.

On February 2, 1976, Chairman Roderick M. Hills of the Securities and Exchange Commission announced the appointment of an Advisory Committee on Corporate Disclosure to examine the "corporate disclosure system that has developed in this country." As a result of formal public meetings held on February 24th and April 20th of this year, the Advisory Committee authorized a questionnaire case study of thirty public companies and the disseminators, financial analysts and investment decision-makers that utilize and process information regarding those companies. The case study, which has been announced, will be conducted through the use of detailed questionnaires (copies of which are available to interested persons or organizations) and followup interviews by members of the staff of the Advisory Committee.

The Advisory Committee believes it is most important that it be apprised of the viewpoints on corporate disclosure of all persons and entities associated with and affected by the corporate disclosure system, including members of the general public, individual investors, publicly owned companies, interested professionals, members of the investment community, members of the financial media and associations. At various stages in the course of its study, the Advisory Committee intends directly to solicit the views of all interested parties. This constitutes the first such invitation of written views on certain specific issues the Advisory Committee intends to address in the course of its study.

Accordingly, the Advisory Committee hereby invites all interested parties to submit their views, in writing, on any or all of the issues set forth below or, indeed, on any other corporate disclosure matter which the writer would care to address. To the extent feasible within its limited budget, the Advisory Committee will provide multiple copies of the release to organizations wishing to distribute it to their members. Because of time constraints affecting the Committee's work schedule, it is requested that the position statements be submitted not later than September 30, 1976.

If at all possible, the written response to any particular issue should begin on a new sheet of paper. All responses should be submitted to: Mary E. T. Beach, Staff Director, Advisory Committee on Corporate Disclosure, Securities and Exchange Commission, 500 North Capitol St., Washington, D.C. 20549.

ISSUES TO BE ADDRESSED IN POSITION STATEMENTS

1. What should the objectives of a corporate disclosure system be?

2. How should the standard of "materiality" be defined under the federal securities laws?

3. Should the SEC require corporate filings to set forth more forward-looking and analytical information regarding the company's business operations? (Please consider the legal liability and competitive problems associated with such a requirement, and whether such information should be reviewed by auditors.)

4. Should the SEC require corporate filings to set forth more information regarding general economy and industry factors that relate to the company's business operations? (Please consider the possibility of requiring this information in a statistical and/or analytical format.)

5. Should the SEC require corporate filings to contain more information regarding environmental and other socially-significant matters not traditionally considered of direct relevance to investment or shareholder voting decisions? (Please consider what criteria should be utilized by the SEC in determining which such information to require in corporate filings.)

6. Should the concept of "differential disclosure" be further incorporated into the federal securities laws, for example, by requiring SEC corporate filings to be bifurcated into "summary" and "detailed" portions with the "summary" portion being the document distributed to the public, such "summary" portion containing an undertaking by the company to furnish at its expense the "detailed" portion to investors who request it? (Please consider the legal liability problems that may be associated with such a requirement, and the kinds of information that should be included in the "summary" portion of the respective filings.)

7. Should the SEC put more emphasis on the continuous reporting obligations of companies under the 1934 Act so that when a security offering is made under the 1933 Act, the registration statement would incorporate by reference all documents on file with the SEC and contain only data regarding the particular offering and such other information as is necessary to make the documents incorporated by reference not misleading?

8. What information does the SEC presently require in corporate filings that is not useful to investment or shareholder voting decisions? (You may wish to examine typical corporate filings such as 10-K Annual Report to Shareholders, Proxy Statement, 1933 Act Registration Statement and 10-Q Quarterly Report, and mark those sections of the filings you do not consider useful to investment decisions and those sections you do not consider useful to shareholder voting decisions.)

9. A. What information not presently required in SEC corporate filings would be useful to investment decisions?

B. What revisions could be made to the disclosure requirements of the SEC proxy rules and regulations to assist shareholders in making voting decisions?

10. How could the proxy rules be revised to improve the process by which shareholders participate in the corporate electoral process

("corporate democracy")? You may wish to consider matters such as how stockholders participate in routine and contested elections of directors and stockholder and management proxy proposals.

11. How could the corporate disclosure system be improved to make information regarding companies available to all interested persons on a more equitable basis? (Please consider both the kinds of information available and the timing of information availability.)

12. How could the federal securities laws be revised to improve the corporate disclosure system?

[FR Doc.76-15200 Filed 5-24-76;8:45 am]

[Release No. 19532; (70-5851)]

DELMARVA POWER & LIGHT CO.

Proposed Issue and Sale of Short-Term Notes to Banks and/or Commercial Paper to a Dealer in Commercial Paper and Exception From Competitive Bidding

MAY 18, 1976.

Notice is hereby given that Delmarva Power & Light Company, 800 King Street, Wilmington, Delaware, 19899, ("Delmarva"), a registered holding company and a public-utility company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a) and 7 of the Act and Rules 50(a)(2) and 50(a)(5)(C) promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

Delmarva proposes to issue from time to time until December 31, 1977, short-term securities in an aggregate principal amount not to exceed $75,000,000 outstanding at any one time. The company requests that for a period ending on December 31, 1977, the exemption from the provisions of Section 6(a) of the Act afforded to it by the first sentence of Section 6(b) thereof, relating to the sale of short-term notes, be increased so as to permit the issuance and sale of said $75,000,000 of short-term securities. On April 17, 1973, Delmarva, at its annual meeting of stockholders, obtained the consent of the holders of preferred stock and common stock, voting separately as classes, to amend its Certificate of Incorporation to liberalize the unsecured debt limitation to permit issuance, without further consent of preferred stockholders, of up to 20% of capitalization as long as no more than 10% of such indebtedness has maturities of less than ten years. At the same meeting, the company obtained the consent of preferred stockholders to waive the 10% limitation on indebtedness with maturities of less than ten years until June 30, 1977, and then only for unsecured debt maturing before January 1, 1978, provided the total unsecured debt does not exceed 20% of capitalization.

The proposed securities will be in the form of short-term notes issued to banks or commercial paper issued to a dealer in such securities. The notes to banks will be limited to an aggregate of $75,000,000 outstanding at any one time. The commercial paper will be limited only to the extent that, when added to short-term notes to banks actually outstanding on the date of issuance, the total will not exceed the $75,000,000 of proposed borrowings. The proceeds of the proposed bank notes and commercial paper will be used to finance part of Delmarva's 1975 and 1976 construction program of about $258,123,000, including an allowance for funds used during construction of $15,782,000 Delmarva intends to repay such borrowings from the net proceeds of the sale of first mortgage bonds and/or equity securities prior to December 31, 1977.

The bank notes will be unsecured, will bear interest at the prime rate in effect at the lending bank on the date of issue and adjusted from time to time as required by the bank, and will be prepayable at any time without premium or penalty except that the company may not prepay any note in whole or in part from the proceeds of any subsequent bank loan at a lower rate of interest. The notes will mature not more than 270 days from the date of issue and in any event not later than June 30, 1976. The purpose of the bank lines of credit is to establish an alternative source of credit to back up the company's commercial paper. Delmarva expects to borrow from the following banks up to the maximum amount listed:

	In thousands
Wilmington Trust Co., Wilmington, Del	*$5,560
Bank of Delaware, Wilmington, Del	*3,800
Farmers Bank of the State of Delaware, Wilmington, Del	*1,500
Delaware Trust Co., Wilmington, Del	*2,000
First National Bank of Baltimore, Salisbury and Baltimore, Md	*8,050
Irving Trust Co., New York, N.Y.	10,000
Manufacturers Hanover Trust Co., New York, N.Y.	15,000
Bankers Trust Co., New York, N.Y.	5,000
Chemical Bank, New York, N.Y.	5,000
The Fidelity Bank, Philadelphia, Pa.	2,000
First National Bank of South Jersey, Pleasantville, N.J.	2,000
Continental Illinois National Bank & Trust Co. of Chicago, Ill.	2,250
Maryland National Bank, Salisbury, Md	5,000
American Security & Trust Co., Washington, D.C.	2,000
Provident National Bank, Philadelphia, Pa	2,000
Mid Atlantic National Bank/South, Englewood, N.J.	2,000
Truckers & Savings Bank, Salisbury, Md	600
The Equitable Trust Co., Baltimore, Md	500
Peoples Bank & Trust Co., Wilmington, Del	350
Baltimore Trust Co., Selbyville, Del.	300
Atlantic National Bank, Ocean City, Md	90
	75,000

Delmarva will be required to maintain balances in the above banks to the extent of 10 percent of unused bank lines and 20 percent of such lines when in use. Substantially all of the balance requirements for those lines marked with an asterisk above will be provided through operating balances which are part of the company's normal operating funds. If all of the necessary balances were maintained solely to satisfy compensating balance requirements, the effective interest cost on such bank lines of credit when fully utilized, assuming a 6¾ percent prime rate, would be 8.44 percent.

Delmarva also proposes to issue and sell, from time to time to mature not later than December 31, 1977, commercial paper in the form of short-term promissory notes to a dealer in commercial paper, A. G. Becker & Co., Incorporated ("dealer"), of up to $75,000,000 face amount to be outstanding at any one time. The total amount of commercial paper and bank loans outstanding at any one time will not exceed $75,000,000. The commercial paper notes will be of varying maturities, with no such notes maturing more than 270 days after the date of issue. Such notes, in denominations of not less than $50,000 and not more than $1,000,000, will be issued and sold by Delmarva directly to the dealer at a discount which will not be in excess of the discount rate per annum prevailing at the date of issuance for commercial paper of comparable quality and of like maturity sold by issuers thereof to commercial paper dealers. The application states that no commercial paper notes will be issued having a maturity of more than 90 days at an effective interest cost which exceeds that at which Delmarva could borrow from banks.

It is stated that no commission or fee will be payable in connection with the issue and sale of the commercial paper notes. The dealer, as principal, will reoffer such notes at a discount of ⅛ of 1 percent per annum less than the prevailing discount rate to Delmarva. The notes will be reoffered in a manner which will not constitute a public offering to no more than 200 identified and designated customers in a list (nonpublic) prepared in advance by the dealer.

Delmarva requests exception from the competitive bidding requirements of Rule 50 for the proposed issue and sale of its commercial paper pursuant to paragraphs (a)(2) and (a)(5) thereof. Delmarva also requests authority to file certificates under Rule 24 with respect to the proposed transactions within 30 days after the end of each calendar quarter.

The application states that fees and expenses related to the proposed transactions are estimated at $11,000, including legal fees of $2,000. It is further stated that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than June 11, 1976, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy

of such request should be served personally or by mail upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application as filed or as it may be amended, may be granted as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices or orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-15203 Filed 5-24-76;8:45 am]

[File No. 500-1]

ENERGY RESERVE, INC.

Suspension of Trading

MAY 19, 1976.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the securities of Energy Reserve, Inc. being treated on a national securities exchange or otherwise is required in the public interest and for the protection of investors;

Therefore, pursuant to Section 12(k) of the Securities Exchange Act of 1934, trading in such securities on a national securities exchange or otherwise is suspended, for the period from 1:40 p.m. (EDT) on May 19, 1976 through May 28, 1976.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-15204 Filed 5-24-76;8:45 am]

[Rel. No. 19535; (70-5854)]

INDIANA & MICHIGAN ELECTRIC CO.

Proposed Agreement With Municipal Authority for Construction of Pollution Control Equipment Financed by Sale of Revenue Bonds

MAY 19, 1976.

Notice is hereby given that Indiana & Michigan Electric Company, 2101 Spy Run Avenue, Fort Wayne, Indiana, 46801 ("I&M"), an electric utility subsidiary company of American Electric Power Company, Inc., a registered holding company, has filed a declaration with this Commission designating sections 9(a) and 12(d) of the Public Utility Holding Company Act of 1935 ("Act") and Rule 44(b)(3) promulgated there under as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

I&M states that in order to comply with prescribed environmental quality control standards of the State of Indiana it has been and will be necessary to construct certain high efficiency electrostatic precipitators ("Project") for particulate emission control and related facilities as its Tanners Creek Plant. By resolution of October 15, 1973, the City of Lawrenceburg, Indiana ("City"), determined that it would authorize and issue one or more series of its pollution control revenue bonds ("Revenue Bonds") to finance the cost of engineering, design, acquisition, and construction of the Project and to reimburse or repay I&M in connection with I&Ms expenditures relating to the Project.

I&M proposes to enter into an agreement of sale ("Agreement") with the City whereby the City will construct and equip the Project. To finance the Project, the City will issue Revenue Bonds in an initial principal amount of $25,000,000 ("Series A Bonds") and additional Revenue Bonds in principal amounts presently estimated not to exceed $71,000,000, sufficient to cover construction costs of the Project. The proceeds from the sale of the Series A Bonds will be deposited by the City with the Trustee ("Trustee") under an indenture to be entered into between the City and such Trustee (the "Indenture") pursuant to which the Series A Bonds are to be issued and secured. Such proceeds will be applied to payment of the cost of construction of the project. The Agreement also will provide for the sale of the Project to I&M, the payment by I&M of the purchase price of the Project in semi-annual installments over a term of years, and the assignment and pledge to the Indenture Trustee of the City's interest in, and of the monies receivable by the City under, the Agreement.

The Agreement will provide that each installment of the purchase price for the Project payable by I&M will be in such an amount (together with other monies held by the Trustee under the Indenture for the purpose) as will enable the City to pay, when due, (i) the interest on the Revenue Bonds, any additional bonds and any refunding bonds, (ii) the principal amount of the Revenue Bonds, any additional bonds and any refunding bonds payable at the time of their respective stated maturities and (iii) amounts, including any accrued interest, payable in connection with any mandatory redemption of the Revenue Bonds, any additional bonds or any refunding bonds. The Agreement also obligates I&M to pay the fees and charges of the Trustee, as well as certain administrative expenses of the City. The Agreement further provides that I&M may prepay the purchase price of the Project (i) by paying, under certain conditions, amounts sufficient to redeem all the Revenue Bonds then outstanding and all other amounts payable under the Indenture or (ii) at any time by depositing in the Indenture's Bond Fund or delivering to the Trustee amounts sufficient to provide for the release of the Indenture. Upon prepayment, I&M may terminate the Agreement.

I&M proposes to convey equipment previously constructed (the "Existing Facilities"), subject to I&M's First Mortgage lien to the City and I&M will receive out of the Revenue Bond proceeds, an amount equal to I&M's original cost of the Existing Facilities. The Existing Facilities will be included in the Project which I&M will repurchase from the City pursuant to the Agreement. The proceeds realized from the sale of the Existing Facilities will be used to retire unsecured short-term debt of I&M, including the financing of part of its construction program. As of May 6, 1976, there were notes payable to banks and commercial debt outstanding in the amount of $80,600,000 and it is expected that I&M will have short-term debt outstanding not to exceed $100,000,000 at the time of the transfer of the Existing Facilities. The estimated cost of I&M's construction program for 1976 is $140,000,000, exclusive of construction costs in connection with the Donald C. Cook Nuclear Plant by I&M's wholly owned subsidiary, Indiana & Michigan Power Company. Said costs for the Cook plant are estimated at $80,000,00C for 1976. I&M had expended $22,900,000 for the Existing Facilities as of March 31, 1976, it is estimated that it will have expended $35,000,000 at the time of the transfer of these facilities.

It is contemplated that the Revenue Bonds will be sold by the City pursuant to arrangements with a group of underwriters represented by E. F. Hutton & Company, Inc. In accordance with the laws of the State of Indiana, the interest rate to be borne by the Revenue Bonds will be fixed by the common council of the City. While I&M will not be a party to the underwriting arrangements for the Revenue Bonds, the Agreement will provide that the terms of the Revenue Bonds and their sale by the City shall be satisfactory to I&M.

I&M has been advised that the annual interest rates on obligations, interest on which is tax exempt, historically have been and can be expected at the time of issue of the Revenue Bonds to be 1½ percent to 2½ percent lower than the rates on obligations of like tenor and comparable quality, interest on which is fully subject to federal income tax.

The Series A Bonds will be dated on or about the first day of the month in which they are issued, will bear interest semi-annually and will mature at a date or dates not more than 30 years from the date of their issuance. It is expected that the Series A Bonds will not be redeemable at the option of the City within 10 years from their issue date except under certain circumstances. Series A Bonds will be subject to mandatory redemption under the circumstances and terms specified in the Indenture.

The declaration states that the fees and expenses incident to the proposed disposition of the Existing Facilities and

the acquisition of the Project (as distinguished from and excluding fees and expenses incident to the sale of the Revenue Bonds by the City payable out of the proceeds of such sale) will be supplied by amendment. It is stated that the execution of, delivery of and performance under the Agreement of I&M, the disposition of the Existing Facilities and the acquisition of the Project is possibly subject to the jurisdiction of the Michigan Public Service Commission and the Public Service Commission of Indiana, and that no other state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than June 11, 1976, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed, or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-15206 Filed 5-24-76;8:45 am]

[Release No. 19533; (70-5863)]

MIDDLE SOUTH UTILITIES, INC.

Proposed Issue and Sale of Short-Term Promissory Notes to Banks Under a Revolving Credit Agreement

MAY 18, 1976.

Notice is hereby given that Middle South Utilities, Inc. ("Middle South"), 225 Baronne Street, New Orleans, Louisiana 70112, a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act") designating sections 6(a) and 7 of the Act as applicable to the following proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

Middle South proposes, under a revolving credit agreement with a group of banks headed by Manufacturers Hanover Trust Company of New York ("MHTC"), to issue and sell its unsecured short-term promissory notes in an aggregate amount not to exceed $218,500,000 outstanding at any one time.

The initial borrowing under the credit agreement will be used for the payment of $97.5 million of short-term notes issued by Middle South to MHTC and various commercial banks under a prior credit agreement dated May 1, 1975, as amended, which borrowings were approved by this Commission (HCAR No. 19035). Such borrowings were utilized by Middle South to purchase, at various times, the common stocks of certain of its subsidiary companies. Subsequent borrowings under the new credit agreement will be used by Middle South to purchase additional common stock of its subsidiaries. The issuance, sale, and acquisition of such common stock will be the subject of separate filings with this Commission.

Under the terms of the revolving credit agreement, Middle South may borrow and reborrow until June 30, 1977, up to an aggregate of $218,500,000 outstanding at any one time, to be evidenced by its unsecured promissory notes payable 90 days from the date of issuance thereof, but in no event later than June 30, 1977. The names of the banks joining in the credit agreement and their respective participation are as follows:

Name of bank:	*Maximum amount to be borrowed and*	*designation*
Manufacturers Hanover Trust Co., New York, N.Y.	$61,300	B
The First National Bank of Chicago, Chicago, Ill.	35,000	A
Bank of America National Trust & Savings Asso., Los Angeles, Calif.	25,000	B
Continental Illinois National Bank & Trust Co. of Chicago, Ill.	20,000	B
The First National Bank of Boston, Mass.	15,000	B
The Northern Trust Co., Chicago, Ill.	11,100	A
Irving Trust Co., New York, N.Y.	11,100	B
Morgan Guaranty Trust Co. of New York, N.Y.	10,000	A
North Carolina National Bank, Charlotte, N.C.	10,000	B
First Pennsylvania Bank, N.A., Philadelphia, Pa.	5,000	A
The Fidelity Bank, Philadelphia, Pa.	5,000	A
Crocker National Bank, San Francisco, Calif.	5,000	A
Union Bank, Los Angeles, Calif.	5,000	A
Total	218,500	

Each borrowing and each payment by Middle South will be made *pro-rata* among the lending banks according to their original commitment, with appropriate adjustment for the interest rate differential. The notes issued to those banks designated as A banks in the credit agreement will bear interest from the date thereof on their unpaid principal amount at a rate per annum equal to 110 percent of the commercial loan rate of MHTC from time to time in effect on borrowings having a 90-day maturity by its most responsible and substantial domestic corporate borrowers ("MHTC Rate"); and the notes issued to those banks designated as B banks in the credit agreement will bear interest from the date thereof on their unpaid principal amount at a rate per annum equal to 122 percent of the MHTC rate.

Middle South will pay quarterly to each participating bank a commitment fee for the period from and including June 1, 1976 to June 30, 1977 (or any earlier date of termination of the commitments), computed at the rate of ½ of 1 percent per annum on the average daily unused portion of the commitments in effect during the period for which payment is made.

It is stated that, based on a 6¾ percent prime rate, the effective interest cost of the A and B banks assuming balances of 10 percent on the borrowing from the A banks, would be 8.24 percent and 7.43 percent, respectively.

Middle South presently intends to repay the principal of the notes out of the proceeds of the sale of additional shares of its common stock. The notes will be prepayable at any time on two business days' notice in whole or in part without premium. Middle South will have the right at any time on three business days' notice to the participating banks to terminate or, from time to time, to reduce the commitments.

The declaration states that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions. No special or separate expenses are anticipated in connection with the proposed transactions.

Notice is further given that any interested person may, not later than June 11, 1976, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if

ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-15207 Filed 5-24-76;8:45 am]

[Rel. No. 19531; (70-5857)]

JERSEY CENTRAL POWER & LIGHT CO.

Proposed Issuance and Sale of First Mortgage Bonds at Competitive Bidding

MAY 18, 1976.

Notice is hereby given that Jersey Central Power & Light Company ("Jersey Central"), Madison Avenue at Punch Bowl Road, Morristown, New Jersey, 07960, an electric utility subsidiary company of General Public Utilities Corporation, a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating section 6(b) of the Act and Rule 50 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transaction.

Jersey Central proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, up to $35,000,000 aggregate principal amount of First Mortgage Bonds, to mature in not less than 5 years and not more than 30 years. The interest rate (which will be a multiple of ⅛ of 1 percent) and the price (which will be not less than 98 percent and not more than 101 percent of the principal amount of the Bonds, plus accrued interest from June 1, 1976, to the date of delivery) will be determined by competitive bidding. The bidding procedure will not establish a minimum or maximum interest rate within which bids may be submitted. The bonds will be issued under the Indenture, dated as of March 1, 1946, between Jersey Central and Citibank, Trustee, as heretofore supplemented and amended, and as to be further supplemented and amended by a Thirtieth Supplemental Indenture to be dated as of June 1, 1976. None of the bonds may be redeemed at the option of Jersey Central prior to June 1, 1981, if the funds for such redemption are obtained at an interest cost lower than the yield of the Bonds, except under certain circumstances. Jersey Central shall notify prospective bidders no later than 72 hours prior to the time designated for the submission of bids of the maturity date of the bonds.

The entire proceeds (exclusive of any premium or discount and accrued interest) from the sale of the bonds will be applied to the payment at or before maturity of a portion of Jersey Central's $55,000,000 of short-term bank loans expected to be outstanding at the date of sale of the bonds or for construction purposes. The estimated cost of Jersey Central's 1976 construction program is approximately $145,000,000 (including allowance for funds used during construction). At April 30, 1976, Jersey Central had short-term bank loans outstanding of $38,100,000.

The fees and expenses to be incurred by Jersey Central in connection with the proposed transaction and the fees and expenses of counsel for the underwriters, to be paid by the successful bidders, will be supplied by amendment. It is stated that the Board of Public Utility Commissioners of New Jersey has jurisdiction over the proposed transaction and that no other state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than June 11, 1976, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-15208 Filed 5-24-76;8:45 am]

[Rel. No. 19534; (70-5543)]

NEW ENGLAND ENERGY INC. AND NEW ENGLAND ELECTRIC SYSTEM

Proposed Extension of Time for Holding Company To Make Investments in Subsidiary Fuel Company and Proposed Increase in Investments by Fuel Company Through 1979

MAY 19, 1976.

Notice is hereby given that New England Electric System ("NEES"), a registered holding company, and New England Energy Incorporated ("NEEI"), 20 Turnpike Road, Westborough, Massachusetts, 01581, a fuel subsidiary of NEES, have filed post-effective amendments to their application-declaration, as amended, previously filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a), 7, 9(a), 10 and 12 of the Act and Rules 43 and 45(a) promulgated thereunder as applicable to the following proposed transactions.

By order dated October 30, 1974 (HCAR No. 18635, 5 SEC Docket 372) issued in this proceeding, NEES was authorized to acquire the common stock of NEEI and to make subordinated loans to NEEI in a total aggregate amount not to exceed $20,000,000. NEEI was also authorized to enter into a partnership arrangement with Samedan Oil Corporation ("Samedan") to explore for and develop oil and gas deposits. NEES and NEEI were granted an exception from the tax allocation requirements of Rule 45(b)(6) and jurisdiction was reserved over any transactions between NEEI and its associates which are subject to sections 12(f) or 13 of the Act and Rules 80-95 thereunder.

NEES has executed a Capital Funds Agreement with NEEI under which NEES has agreed to invest up to $20,250,000 in NEEI during the period ending July 31, 1976. It is now proposed to amend this agreement to provide that NEES may invest a total of up to $45,000,000 in NEEI to be outstanding at any one time during the period through December 31, 1979. It is anticipated that the loans to NEEI will be repaid by NEEI from its operations or from the proceeds of permanent financing or borrowing arrangements.

The agreement, as amended, will provide that the additional investment in NEEI may be in the form of common stock, capital contributions or subordinated notes. In the case of subordinated notes, as with existing loans to NEEI, each such additional loan will bear interest at an annual rate equal to (i) the overall effective interest cost being paid from time to time by NEES on its then outstanding borrowings from banks or (ii) if NEES has no outstanding bank borrowings, then 125 percent of the prime commercial rate charged from time to time during the period by The First National Bank of Boston. Based on the current prime rate of 6.75 percent, the effective interest cost equals 8.44%. Such loans will mature in not more than 20 years and are prepayable in any amount at any time without penalty.

Proceeds of the investments in NEEI are proposed to be used in the following manner: (i) to continue the Samedan project, (ii) to engage in possible additional transactions of a nature similar to Samedan with parties other than Samedan, involving the purchase of interests and/or participations in similar ventures relating to oil and gas exploration, development and production; and (iii) to enable NEEI to assume various fuel procurement and inventory activi-

ties now carried on by other NEES subsidiaries.

NEEI also requests a continuation of the exception from the consolidated tax allocation provisions of Rule 45(b)(6).

It is stated that no state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transactions. Fees and expenses to be incurred in connection with the proposed transactions through December 31, 1979, are to be performed at cost by New England Power Service Company and are estimated to amount to $11,500.

Notice is further given that any interested person may, not later than June 16, 1976, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration, as further amended by said post-effective amendments, which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration as further amended by said post-effective amendments, or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-15205 Filed 5-24-76;8:45 am]

DEPARTMENT OF LABOR

Employment and Training Administration

ALLOCATIONS OF FUNDS TO INDIAN AND NATIVE AMERICAN SUMMER PROGRAM PRIME SPONSORS

Notice is hereby given that the Department of Labor, Employment and Training Administration, is allocating funds for the 1976 Summer Program under Title III of the Comprehensive Employment and Training Act to the following Indian and Native American prime sponsors:

1976 SUMMER YOUTH PRIME SPONSORS

ALASKA

Mr. Wallace D. Leask, Mayor, Metlakatla Indian Community, P.O. Box 8, Metlakatla, Alaska 99926, $20,646.

ARIZONA

Mr. Abbott Sckaquaptewa, Chairman, Hopi Tribal Council, P.O. Box 123, Oraibi, Arizona 86039, $123,550.

Mr. Alexander Lewis, Sr., Governor, Gila River Indian Community, P.O. Box 97, Sacaton, Arizona 85247, $134,088.

Mr. Herschel Andrews, Vice President, Salt River Pima-Maricopa Community Manpower Programs, Route 1, Box 216, Scottsdale, Arizona 85256, $50,538.

Mr. Cecil Williams, Chairman, The Papago Council, The Papago Tribe of Arizona, P.O. Box 837, Sells, Arizona 85634, $144,841.

Mr. Peter MacDonald, Chairman, Navajo Tribal Council, The Navajo Tribe of Indians, Window Rock, Arizona 86515, $2,901,877.

Mr. Anthony Drennan, Sr., Chairman, Tribal Council, Colorado River Indian Tribes, Route 1, Box 23-B, Parker, Arizona 85344, $32,366.

Ms. Grace McCullah, Executive Director, The Indian Development District of Arizona, 1230 East Camelback Road, Phoenix, Arizona 85014, $63,442.

Mr. Buck Kitcheyan, Tribal Chairman, San Carlos Apache Tribe, P.O. Box O, San Carlos, Arizona 85550, $150,110.

Mr. Ronnie Lupe, Tribal Chairman, White Mountain Apache Tribe, P.O. Box 708, Whiteriver, Arizona 85941, $148,067.

CALIFORNIA

Mr. Banning Taylor, Chairman, Board of Directors, California Tribal Chairman's Association, 2427 Marconi Avenue, Suite No. 7, Sacramento, California 95821, $52,366.

Mr. Lawrence M. Blacktooth, Chairman, The Inter-Tribal Council of California, Inc., Manpower Consortium, 2969 Fulton Avenue, Sacramento, California 95821 $106,668.

COLORADO

Mr. Manuel L. Sandos, Director, Training Services Section, Colorado Division of Employment and Training, 770 Grant Street, Room 222, Denver, Colorado 80203, $47,313.

FLORIDA

Mr. Buffalo Tiger, Chairman, Miccosukee Tribe of Indians of Florida, P.O. Box 44004—Tamiami Station, Miami, Florida 33144, $65,559.

Mr. Howard E. Tommie, Chairman, Seminole Tribe of Florida, 6073 Stirling Road, Hollywood, Florida 33024, $68,400.

IDAHO

Mr. Cornell Tahdooahnippah, Executive Director, Idaho Inter-Tribal, Policy Board, Inc., 910 Sonna Building, Suite 214, Boise, Idaho 83702, $56,130.

Mr. Richard A. Halfmoon, Chairman, Nez Perce Tribal Executive Council, P.O. Box 305, Lapwai, Idaho 83540, $25,484.

KANSAS

Mr. C. J. Morris, Chairman, United Tribes of Kansas and Southeast Nebraska, P.O. Box 147, Horton, Kansas, 66439, $6,344.

LOUISIANA

Mr. L. M. Burgess, Chairman, Board of Directors, Indian Manpower Services, Inc., 11764 S. Harrells Ferry Road, Baton Rouge, Louisiana 70816, $5,269.

MAINE

Mr. Allen Sockabasin, President, Tribal Governors, Inc., Maine Indian Manpower Services, 93 Main Street, Orono, Maine 04473, $24,301.

MICHIGAN

Mr. Michael C. Parish, Executive Director, Inter-Tribal Council of Michigan, Inc., 405 East Easterday Avenue, Saulte Ste. Marie, Michigan 49783, $30,001.

MINNESOTA

Mr. Roger A. Jourdain, Chairman, Red Lake Tribal Council, Red Lake, Minnesota 56671, $79,400.

Mr. Harold LaRosa, Chairman, Urban American Indian Center, 1530 East Franklin Avenue, Minneapolis, Minnesota 55404, $7,957.

Mr. David R. Munnell, Chairman, Leech Lake Reservation Business Committee, Box 308, Cass Lake, Minnesota 56633, $58,281.

Mr. William J. Houle, Chairman, Fond du Lac Reservation Business Committee, Cloquet, Minnesota 55720, $13,656.

Mr. Bill Dwer, Chairman, American Indian Fellowship Association, 101 N. 1st Avenue, East, Duluth, Minnesota 55802, $3,871.

Mr. Arthur Gahbow, Chairman, Mille Lacs Reservation Community Action Program, Star Route, Onamia, Minnesota 56359, $16,129.

Mr. Harry Boness, Sr., Chairman, Nett Lake Reservation Business Vommittee, Nett Lake, Minnesota 55772, $18,065.

Mr. Reuben Rock, Chairman, White Earth Reservation Business Committee, P.O. Box 274, White Earth, Minnesota 56591, $41,506.

MISSISSIPPI

Mr. Calvin J. Isaac, Tribal Chief, Mississippi Band of Choctaw Indians, Tribal Office Building, Route 7, Box 21, Philadelphia, Mississippi 39350, $52,044.

MONTANA

Mr. Norman Hollow, Tribal Chairman, Fort Peck Tribal Executvie Board, Assiniboine and Sioux Tribes, Fort Peck Indian Reservation, Box 1027, Poplar, Montana 59255, $126,900.

Mr. Allen Rowland, Tribal President, Northern Cheyenne Tribal Council, P.O. Box 128, Lame Deer, Montana 59043, $104,000.

Mr. Harold W. Mitchell, Jr., Tribal Council Chairman, The Confederated Salish and Kootenai Tribes of the Flathead Reservation, Flathead Sub-Agency, Dixon, Montana 59831, $123,900.

Mr. Charles D. Plumage, President, Fort Belknap Indian Community, Fort Belknap Agency, Harlem, Montana 59526, $103,100.

Mr. John Windy Boy, Chairman, Business Committee of the Chippewa Cree Tribe, Rocky Boy Route, Box Elder, Montana 59521, $77,500.

Mr. Patrick Stands Over Bull, Chairman, Crow Tribal Tribe of Indians, Crow Tribal Council, P.O. Box 371, Crow Agency, Montana 59022, $127,000.

Mr. Earl Old Person, Chairman, Blackfeet Tribal Business Council, Browning, Montana 59417, $233,900.

NEBRASKA

Mr. Edward L. Cline, Chairman, Omaha Tribe of Nebraska, Omaha Tribal Council, Macy, Nebraska 68039, $35,700.

Mr. Enid Goodteacher, Tribal Chairman, Santee Sioux Tribe of Nebraska, Route 2, Niobrara, Nebraska 68760, $20,500.

Mr. Art May, Executive Director, Nebraska Indiana Inter-Tribal Development Corporation, P.O. Box 682, Winnebago, Nebraska 68071, $51,829.

NEVADA

Mr. Larry M. Manning, Chairman, Executive Board, Inter-Tribal Council of Nevada, Inc., 98 Colony Road, Reno, Nevada 89502, $134,700.

NEW MEXICO

Mr. Delfin J. Lovato, Chairman, All Indian Pueblo Council, Inc., P.O. Box 6005, Station B, 1015 Indian School Road, N.W., Albuquerque, New Mexico 87107, $525,339.

Mr. Virgil Wyaco, Acting Governor, Pueblo of Zuni, Zuni Tribal Council, P.O. Box 339, Zuni, New Mexico 87327, $139,647.

NEW YORK

Mr. Russell P. Lazare, Head Chief, St. Regis Mohawk Tribe, Cultural Center, Hogansburg, New York 13655, $36,345.

Mr. Robert C. Hoag, President, Seneca Nation of Indians, Manpower Programs, P.O. Box 344, Salamanca, New York 14779, $149,035.

Shinnecock Reservation, $4,624.

NORTH CAROLINA

Mr. John A. Crowe, Principal Chief, Eastern Band of Cherokee Indians, P.O. Box 487, Cherokee, North Carolina 28719, $116,200.

Mr. Kenneth R. Maynor, Executive Director, Lumbee Regional Development Association, Inc., P.O. Box 68, Pembroke, North Carolina 28372, $139,600.

NORTH DAKOTA

Mr. Edwin J. Henry, Tribal Chairman, Turtle Mountain Tribal Council, Turtle Mountain Band of Chippewa Indians, Belcourt, North Dakota 58316, $134,100.

Mr. Wayne Packineau, Acting Chairperson, Three Affiliated Tribes, Division of Indian and Native American Programs, Box 597, New Town, North Dakota 58763, $85,600.

Mr. Pat McLaughlin, Chairman, Standing Rock Sioux Tribe, Manpower Program, Fort Yates, North Dakota 58538, $100,800.

Mr. Carl McKay, Tribal Chairman, Devils Lake Sioux Tribe, Manpower Programs, Fort Totten, North Dakota 58335, $61,400.

OKLAHOMA

Mr. Sylvester J. Tinker, Principal Chief, Osage Tribal Council, P.O. Box 178, Pawhuska, Oklahoma 74056, $69,900.

OREGON

Mr. Ken Smith, General Manager, The Confederated Tribes of the Warm Springs Indian Reservation, P.O. Box 548, Warm Springs, Oregon 97761, $60,754.

SOUTH DAKOTA

Mr. Al Trimble, President, Oglala Sioux Tribe, P.O. Box C, Pine Ridge, South Dakota 57770, $289,360.

Ms. Elnita Rank, Chairperson, Crow Creek Sioux Tribe, P.O. Box 636, Fort Thompson, South Dakota 57339, $56,100.

Tribal Chairman, Yankton Sioux Tribe, Route No. 3, Wagner, South Dakota 57380, $25,592.

Mr. Edward J. Driving Hawk, President, Rosebud Sioux Tribe, Rosebud Indian Reservation, Rosebud, South Dakota 57570, $173,000.

Mr. Wayne Ducheneaux, Tribal Chairman, Cheyenne River Sioux Tribe, Manpower Program, P.O. Box 768, Eagle Butte, South Dakota 57625, $147,600.

Mr. Michael B. Jandreau, Chairman, Lower Brule Sioux Tribe, Lower Brule, South Dakota 57548, $29,000.

Mr. Jerry Flute, Tribal Chairman, Sisseton-Wahpeton Sioux Tribe, R.R. No. 2, Box 144, Sisseton, South Dakota 57262, $65,162.

TEXAS

Mr. Ward A. Phelan, Director, Indian Employment Training Service, Inc., P.O. Box 206, Livingston, Texas 77351, $23,226.

UTAH

Mr. Lester M. Chapoose, Chairman, Uintah and Ouray Tribal Business Committee, P.O. Box 129, Fort Duchesene, Utah 84026, $95,400.

Mr. Raymond Carroll, Chairman of the Board, Utah Native American Consortium, Inc., 120 West 1300 South, Salt Lake City, Utah 84115, $538.

VIRGINIA

Mr. Maurice B. Rowe, Chairman, Governors Manpower Services Council, State Capitol, Richmond, Virginia 23219, $2,151.

WASHINGTON

Mr. Philip A. LaCourse, Executive Director, NOW/TSA Tribal Consortium, 3030 Wetmore Avenue, Everett, Washington 98201, $53,442.

Mr. Leo J. LaClair, Executive Director, Small Tribes Organization of Western Washington, P.O. Box 578, Sumner, Washington 98390, $33,979.

Mr. Joseph B. De La Cruz, CHE-HO-QUI-SHO Indian Consortium, Quinault Indian Tribe, P.O. Box 1228, Taholah, Washington 98587, $32,904.

Mr. Mel White, Chairman, Eastern Washington Indian Consortium, Box 223, Wellpinit, Washington 99040, $181,401.

WISCONSIN

Mr. Peter Christensen, Executive Director, Great Lakes Inter-Tribal Council, Inc., Manpower Consortium, Box 5, La du Flambeau, Wisconsin 54538, $93,902.

Mr. Eugene W. Taylor, Chairman, St. Croix Tribal Council, Star Route, Webster, Wisconsin 54893, $17,809.

Mr. Ada Deer, Chairperson, Menominee Restoration Committee, P.O. Box 397, Keshena, Wisconsin 54135, $56,775.

Mr. Mitchell Whiterabbit, Tribal Chairman, Wisconsin Winnebago Committee, CETA Office, VW—Stevens Point, Nelson Hall, 3rd Floor, Stevens Point, Wisconsin 54481, $16,344.

Mr. Leonard E. Miller, Jr., Tribal Chairman, Stockbridge-Munsee Community, Route 1, Bowler, Wisconsin 54416, $17,809.

Mr. Odric Baker, Chairman, Lac Courte Oreilles Governing Board, Route 2, Stond Lake, Wisconsin 54876, $32,380.

WISCONSIN

Mr. Purcell Powless, Tribal Chairman, Oneida Tribe of Indians of Wisconsin, Inc., Oneida, Wisconsin 54155, $34,624.

WYOMING

Mr. Rober N. Harris, Shoshone Council Chairman; Mr. Arnold Headley, Arapahoe Council Chiarman, Shoshone and Arapahoe Tribes, Box 217, Fort Washakie, Wyoming 82514, $144,800.

Signed at Washington, D.C., this 11th day of May 1976.

ROBERT J. MCCONNON,
Director, Office of National Programs.

[FR Doc.76-15232 Filed 5-24-76;8:45 am]

INDIAN AND NATIVE AMERICAN PRIME SPONSORS

1976 Temporary Employment Assistance Allocations

Notice is hereby given that the Department of Labor, Employment and Training Administration is making allocations for 1976 temporary employment assistance to Indian and Native American Prime Sponsors under Titles II and VI of the Comprehensive Employment and Training Act (CETA) of 1973, as amended. The funds are designated to assist prime sponsors to continue the employment of persons in public service employment positions currently funded under Titles II and VI of CETA. The allocations, by designated Indian Prime Sponsors, are as follows:

TITLE II

Temporary Employment Assistance (TEA) Funds

ALASKA

Mr. Wallace D. Leask, Mayor, Metlakatla Indian Community, P.O. Box 8, Metlakatla, Alaska 99926, BASE $15,212 plus DISC $3,802 equals $19,014.

ARIZONA

Mr. Abbott Sekaquaptewa, Chairman, Hopi Tribal Council, P.O. Box 123, Oraibi, Arizona 86039, BASE $76,552 plus DISC $19,132 equals $95,684.

Mr. Alexander Lewis, Sr., Governor, Gila River Indian Community, P.O. Box 97, Sacaton, Arizona 85247, BASE $77,902 plus DISC $19,469 equals $97,371.

Mr. Herschel Andrews, Vice President, Salt River Pima-Maricopa, Community Manpower Programs, Route 1, Box 216, Scottsdale, Arizona 85256, BASE $9,937 plus DISC $2,483 equals $12,420.

Mr. Cecil Williams, Chairman, The Papago Council, The Papago Tribe of Arizona, P.O. Box 837, Sells, Arizona 85334, BASE $204,508 plus DISC $51,110 equals $255,618.

Mr. Peter MacDonald, Chairman, Navajo Tribal Council, The Navajo Tribe of Indians, Window Rock, Arizona 86515, BASE $2,093,415 plus DISC $523,181 equals $2,616,596.

Mr. Anthony Drer nan, Sr., Chairman, Tribal Council, Colorado River Indian Tribes, Route 1, Box 23-B, Parker, Arizona 85344, BASE $15,335 plus DISC $3,832 equals $19,167.

Ms. Grace McCullah, Executive Director, The Indian Development District of Arizona, 1230 East Camelback Road, Phoenix, Arizona 85014, BASE $39,012 plus DISC $9,749 equals $48,761.

Mr. Buck Kitcheyan, Tribal Chairman, San Carlos Apache Tribe, P.O. Box O, San Carlos, Arizona 85550, BASE $70,296 plus DISC $17,568 equals $87,864.

Mr. Ronnie Lupe, Tribal Chairman, White Mountain Apache Tribe, P.O. Box 708, Whiteriver, Arizona 85941, BASE $111,639 plus DISC $27,901 equals $139,540.

CALIFORNIA

Mr. Banning Taylor, Chairman, Board of Directors, California Tribal Chairmen's Association, 2427 Marconi Avenue, Suite No. 7, Sacramento, California 95821, BASE $27,235 plus DISC $6,806 plus $34,041.

Mr. Lawrence M. Blacktooth, Chairman, The Inter-Tribal Council of California, Inc., Manpower Consortium, 2969 Fulton Avenue, Sacramento, California 95821, BASE $57,905 plus DISC $14,474 equals $72,379.

COLORADO

Mr. Manuel L. Sandos, Director, Training Services Section, Colorado Division of Employment and Training, 770 Grant Street, Room 222, Denver, Colorado 80203, BASE $30,425 plus DISC $7,604 equals $38,029.

FLORIDA

Mr. Buffalo Tiger, Chairman, Miccosukee Tribe of Indians of Florida, P.O. Box 44004, Tamiami Station, Miami, Florida 33144, BASE $11,532 plus DISC $2,882 equals $14,414.

Mr. Howard E. Tommie, Chairman, Seminole Tribe of Florida, 6073 Stirling Road, Hollywood, Florida 33024, BASE $9,321 plus DISC $2,331 equals $11,655.

IDAHO

Mr. Cornell Tahdooahnippah, Executive Director, Idaho Inter-Tribal Policy Board, Inc., 910 Sonna Building, Suite 214, Boise, Idaho 83702, BASE $73,854 plus DISC $18,457 equals $92,311.

Mr. Richard A. Halfmoon, Chairman, Nez Perce Tribal Executive Council, P.O. Box 305, Lapwai, Idaho 83540, BASE $11,900 plus DISC $2,974 equals $14,874.

KANSAS

Mr. C. J. Morris, Chairman, United Tribes of Kansas and Southeast Nebraska, P.O. Box 147, Horton, Kansas 66439, BASE $22,941 plus DISC $5,734 equals $28,675.

LOUISIANA

Mr. L. M. Burgess, Chairman, Board of Directors, Indian Manpower Services, Inc., 11764 S. Harrells Ferry Road, Baton Rouge, Louisiana 70816, BASE $1,472 plus DISC $368 equals $1,840.

MAINE

Mr. Allen Sockabasin, President, Tribal Governors, Inc., Maine Indian Manpower Services, 93 Main Street, Orono, Maine 04473, BASE $11,777 plus DISC $2,944 equals $14,721.

MICHIGAN

Mr. Michael C. Parish, Executive Director, Inter-Tribal Council of Michigan, Inc., 405 East Easterday Avenue, Sault Ste. Marie, Michigan 49783, BASE $25,886 plus DISC $6,469 equals $32,355.

MINNESOTA

Mr. Roger A. Jourdain, Chairman, Red Lake Tribal Council, Red Lake, Minnesota 56671, BASE $57,782 plus DISC $14,441 equals $72,223.

Mr. Harold LaRosa, Chairman, Urban American Indian Center, 1530 East Franklin Avenue, Minneapolis, Minnesota 55404, BASE $7,115 plus DISC $1,779 equals $8,894.

Mr. David R. Munnell, Chairman, Leech Lake Reservation Business Committee, Box 308, Cass Lake, Minnesota 56633, BASE $33,001 plus DISC $8,248 equals $41,249.

Mr. William J. Houle, Chairman, Fond du Lac Reservation Business Committee, Cloquet, Minnesota 55720, BASE $8,956 plus DISC $2,238 equals $11,194.

Mr. Bill Dwer, Chairman, American Indian Fellowship Association, 101 N. 1st Avenue East, Duluth, Minnesota 55802, BASE $3,067 plus DISC $766 equals $3,833.

Mr. Arthur Gahbow, Chairman, Mille Lacs Reservation Community Action Program, Star Route, Onamia, Minnesota 56359, BASE $7,843 plus DISC $1,870 equals $9,353.

Mr. Harry Boness, Sr., Chairman, Nett Lake Reservation Business Committee, Nett Lake, Minnesota 55772, BASE $7,115 plus DISC $1,778 equals $8,893.

Mr. Rueben Rock, Chairman, White Earth Reservation Business Committee, P.O. Box 274, White Earth, Minnesota 56591, BASE $35,823 plus DISC $8,953 equals $44,776.

MISSISSIPPI

Mr. Calvin J. Isaac, Tribal Chief, Mississippi Band of Choctaw Indians, Tribal Office Building, Route 7, Box 21, Philadelphia, Mississippi 39350, BASE $17,175 plus DISC $4,292 equals $21,467.

MONTANA

Mr. Norman Hollow, Tribal Chairman, Fort Peck Tribal Executive Board, Assiniboine and Sioux Tribes, Fort Peck Indian Reservation, Box 1027, Poplar, Montana 59255, BASE $50,054 plus DISC $12,509 equals $62,563.

Mr. Allen Rowland, Tribal President, Northern Cheyenne Tribal Council, P.O. Box 128, Lame Deer, Montana 59043, BASE $29,811 plus DISC $7,450 equals $37,261.

Mr. Harold W. Mitchell, Jr., Tribal Council Chairman, The Confederated Salish and Kootenai Tribes of the Flathead Reservation, Flathead Sub-Agency, Dixon, Montana 59831, BASE $15,948 plus DISC $3,986 equals $19,934.

Mr. Charles D. Plumage, President, Fort Belknap Indian Community, Fort Belknap Agency, Harlem, Montana 59526, BASE $25,395 plus DISC $6,347 equals $31,742.

Mr. John Windy Boy, Chairman, Business Committee of the Chippewa Cree Tribe, Rocky Boy Route, Box Elder, Montana 59521, BASE $20,242 plus DISC $5,059 equals $25,301.

Mr. Patrick Stands Over Bull, Chairman, Crow Tribe of Indians, Crow Tribal Council, P.O. Box 371, Crow Agency, Montana 59022, BASE $30,547 plus DISC $7,634 equals $38,181.

Mr. Earl Old Person, Chairman, Blackfeet Tribal Business Council, Browning, Montana 59417, BASE $37,908 plus DISC $9,474 equals $47,382.

NEBRASKA

Mr. Edward L. Cline, Chairman, Omaha Tribe of Nebraska, Omaha Tribal Council, Macy, Nebraska 68039, BASE $17,789 plus DISC $4,446 equals $22,235.

Mr. Enid Goodteacher, Tribal Chairman, Santee Sioux Tribe of Nebraska, Route 2, Niobrara, Nebraska, 68760, BASE $5,766 plus DISC $1,441 equals $7,207.

Mr. Art May, Executive Director, Nebraska Indian Inter-Tribal Development Corporation, P.O. Box 682, Winnebago, Nebraska 68071, BASE $23,186 plus DISC $5,795 equals $28,981.

NEVADA

Mr. Larry M. Manning, Chairman, Executive Board, Inter-Tribal Council of Nevada, Inc., 98 Colony Road, Reno, Nevada 89502, BASE $80,235 plus DISC $20,053 equals $100,288.

NEW MEXICO

Mr. Delfin J. Lovato, Chairman, All Indian Pueblo Council, Inc., P.O. Box 6005, Station B, 1015 Indian School Road, N.W., Albuquerque, New Mexico 87107, BASE $249,531 plus DISC $62,359 equals $311,890.

Mr. Virgil Wyaco, Acting Governor, Pueblo of Zuni, Zuni Tribal Council, P.O. Box 339, Zuni, New Mexico 87327, BASE $90,293 plus DISC $22,566 equals $112,859.

NEW YORK

Mr. Russell P. Lazare, Head Chief, St. Regis Mohawk Tribe, Cultural Center, Hogansburg, New York 13655, BASE $22,205 plus DISC $5,549 equals $27,754.

Mr. Robert C. Hoag, President, Seneca Nation of Indians, Manpower Programs, P.O. Box 344, Salamanca, New York 14779, BASE $56,433 plus DISC $14,104 equals $70,537.

Shinnecock Reservation, BASE $2,944 plus DISC $736 equals $3,680.

NORTH CAROLINA

Mr. John A. Crowe, Principal Chief, Eastern Band of Cherokee Indians, P.O. Box 487, Cherokee, North Carolina 28719, BASE $53,489 plus DISC $13,368 equals $66,857.

NORTH DAKOTA

Mr. Edwin J. Henry, Tribal Chairman, Turtle Mountain Tribal Council, Turtle Mountain Band of Chippewa Indians, Belcourt, North Dakota 58316, BASE $41,589 plus DISC $10,394 equals $51,983.

Mr. Wayne Packineau, Acting Chairperson, Three Affiliated Tribes, Division of Indian and Native American Programs, Box 597, New Town, North Dakota 58763, BASE $22,450 plus DISC $5,611 equals $28,061.

Mr. Pat McLaughlin, Chairman, Standing Rock Sioux Tribe, Manpower Program, Fort Yates, North Dakota 58538, BASE $37,663 plus DISC $9,413 equals $47,076.

Mr. Carl McKay, Tribal Chairman, Devils Lake Sioux Tribe, Manpower Programs, Fort Totten, North Dakota 58335, BASE $14,844 plus DISC $3,710 equals $18,554.

OKLAHOMA

Mr. Sylvester J. Tinker, Principal Chief, Osage Tribal Council, P.O. Box 178, Pawhuska, Oklahoma 74056, BASE $21,960 plus DISC $5,488 equals $27,448.

OREGON

Mr. Ken Smith, General Manager, The Confederated Tribes of the Warm Springs Indian Reservation, P.O. Box 548, Warm Springs, Oregon 97761, BASE $11,164 plus DISC $2,790 equals $13,954.

SOUTH DAKOTA

Mr. Al Trimble, President, Oglala Sioux Tribe, P.O. Box G, Pine Ridge South Dakota 57770, BASE $83,177 plus DISC $20,787 equals $103,964.

Ms. Elnita Rank, Chairperson, Crow Creek Sioux Tribe, P.O. Box 636, Fort Thompson, South Dakota 57339, BASE $19,138 plus DISC $4,783 equals $23,921.

Tribal Chairman, Yankton Sioux Tribe, Route No. 3, Wagner, South Dakota 57380, BASE $25,272 plus DISC $6,316 equals $31,588.

Mr. Edward J. Driving Hawk, President, Rosebud Sioux Tribe, Rosebud Indian Reservation, Rosebud, South Dakota 57570, BASE $79,129 plus DISC $19,776 equals $98,905.

Mr. Wayne Ducheneaux, Tribal Chairman, Cheyenne River Sioux Tribe, Manpower Program, P.O. Box 768, Eagle Butte, South Dakota 57625, BASE $27,358 plus DISC $6,837 equals $34,195.

Mr. Michael B. Jandreau, Chairman, Lower Brule Sioux Tribe, Lower Brule, South Dakota 57548, BASE $1,963 plus DISC $491 equals $2,454.

Mr. Jerry Flute, Tribal Chairman, Sisseton-Wahpeton Sioux Tribe, R.R. No. 2, Box 144, Sisseton, South Dakota 57262, BASE $45,269 plus DISC $11,314 equals $56,583.

TEXAS

Mr. Ward A. Phelan, Director, Indian Employment Training Service, Inc., P.O. Box 206, Livingston, Texas 77351, BASE $12,268 plus DISC $3,066 equals $15,334.

UTAH

Mr. Lester M. Chapoose, Chairman, Uintah and Ouray Tribal Business Committee, P.O. Box 129, Fort Duchesene, Utah 84026, BASE $11,655 plus DISC $2,913 equals $14,568.

Mr. Raymond Carroll, Chairman of the Board, Utah Native American Consortium, Inc., 120 West 1300 South, Salt Lake City, Utah 84115, BASE $245 plus DISC $61 equals $306.

VIRGINIA

Mr. Maurice B. Rowe, Chairman, Governors Manpower Services Council, State Capitol, Richmond, Virginia 23219, BASE $3,558 plus DISC $889 equals $4,447.

WASHINGTON

Mr. Philip A. LaCourse, Executive Director, NOW/TSA Tribal Consortium, 3030 Wetmore Avenue, Everett, Washington 98201, BASE $59,255 plus DISC $14,809 equals $74,064.

Mr. Leo J. LaClair, Executive Director, Small Tribes Organization of Western Washington, P.O. Box 578, Sumner, Washington 98390, BASE $41,221 plus DISC $10,302 equals $51,523.

Mr. Joseph B. DeLaCruz, CHE-HO-QUI-SHO Indian Consortium, Quinault Indian Tribe, P.O. Box 1228, Taholah, Washington 98587, BASE $24,536 plus DISC $6,133 equals $30,669.

Mr. Mel White, Chairman, Eastern Washington Indian Consortium, Box 223, Wellpinit, Washington 99040, BASE $116,914 plus DISC $29,219 equals $146,133.

WISCONSIN

Mr. Peter Christensen, Executive Director, Great Lakes Inter-Tribal Council, Inc., Manpower Consortium, Box 5, Lac du Flambeau, Wisconsin 54538, BASE $18,402 plus DISC $4,598 equals $23,000.

Mr. Eugene W. Taylor, Chairman, St. Croix Tribal Council, Star Route, Webster, Wisconsin 54893, BASE $4,416 plus DISC $1,104 equals $5,520.

Mrs. Ada Deer, Chairperson, Menominee Restoration Committee, P.O. Box 397, Keshena, Wisconsin 54135, BASE $4,416 plus DISC $1,104 equals $5,520.

Mr. Mitchell Whiterabbit, Tribal Chairman, Wisconsin Winnebago Committee, CETA Office, VW—Stevens Point, Nelson Hall, 3rd Floor, Stevens Point, Wisconsin 54481, BASE $16,562 plus DISC $4,139 equals $20,701.

Mr. Leonard E. Miller, Jr., Tribal Chairman, Stockbridge-Munsee Community, Route 1, Bowler, Wisconsin 54416, BASE $3,680 plus DISC $920 equals $4,600.

Mr. Odric Baker, Chairman, Lac Courte Oreilles Governing Board, Route 2, Stond Lake, Wisconsin 54876, BASE $32,388 plus DISC $8,094 equals $40,482.

Mr. Purcell Powless, Tribal Chairman, Oneida Tribe of Indians of Wisconsin, Inc., Oneida, Wisconsin 54155, BASE $12,268 plus DISC $3,066 equals $15,334.

WYOMING

Mr. Rober N. Harris, Shoshone Council Chairman; Mr. Arnold Headley, Arapahoe Council Chairman, Shoshone and Arapahoe Tribes, Box 217, Fort Washakie, Wyoming 82514, BASE $35,700 plus DISC $8,922 equals $44,622.

Signed at Washington, D.C., this 11th day of May 1976.

ROBERT J. MCCONNON,
Director, Office of National Programs.

[FR Doc.76-15231 Filed 5-24-76;8:45 am]

Occupational Safety and Health Administration

MARYLAND STATE STANDARDS

Notice of Approval

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations prescribes procedures under Section 18 of the Occupational Safety and Health Act of 1970 (hereinafter called the Act) by which the Regional Administrations for Occupational Safety and Health (hereinafter called the Regional Administrations) under a delegation of authority from the Assistant Secretary of Labor of Occupational Safety and Health (hereinafter called the Assistant Secretary), (29 CFR 1953.4) will review and approve standards promulgated pursuant to a State plan which has been approved in accordance with section 18(c) of the Act and 29 CFR Part 1902. On July 5, 1973, notice was published in the FEDERAL REGISTER (38 FR 17834) of the approval of the Maryland plan and the adoption of Subpart 0 to 29 CFR Part 1952 containing the decision.

The Maryland plan provides for the adoption of Federal standards as State standards after comments and public hearing. Section 1952.210 of Subpart 0 sets forth the State's schedule for the adoption of Federal standards. By letter dated October 24, 1975 from Harvey A. Epstein, Commissioner, Maryland Division of Labor and Industry to David H. Rhone, Assistant Regional Director, and incorporated as part of the plan, the State submitted State standards comparable to the revisions, amendments, and corrections to 29 CFR Parts 1910 and 1926, as published in the FEDERAL REGISTER (40 FR 13809, 40 FR 14992, 40 FR 16221) dated May 28, 1975, June 9, 1975, June 27, 1975, and July 28, 1975. These standards were promulgated after public comment requested on August 6, 1975, hearings held on September 11, 1975, and a resolution adopted by the Commissioner on September 22, 1975, pursuant to the Maryland Occupational Safety and Health Law of 1973.

2. *Decision.* Having reviewed the State submission in comparison with the Federal standards it has been determined that the State standards are identical to the Federal standards.

3. *Location of supplement for inspection and copying.* A copy of the standards supplement, along with the approved plan, may be inspected and copies during normal business hours at the following locations: Office of the Regional Administrator, Suite 15220, Gateway Bldg., 3535 Market St., Philadelphia, Pennsylvania 19104; Office of the Commissioner, Maryland Division of Labor and Industry, 203 East Baltimore St., Baltimore, Maryland 21202 and Office of the Associate Assistant Secretary for Regional Programs, Room N-3603, 200 Constitution Ave., NW., Washington, D.C. 20210.

4. *Public Participation.* Under § 1953.2 (c) of this chapter, the Assistant Secretary may prescribe alternative procedures to expedite the review process or for other good cause which may be consistent with applicable laws. The Assistant Secretary finds that good cause exists for not publishing the supplement to the Maryland State plan as a proposed change and making the Assistant Regional Director's approval effective upon publication for the following reasons:

7. The standards are identical to the Federal standards and are therefore deemed to be at least as effective.

2. The standards were adopted in accordance with the procedural requirements of State law and further public participation and notice would not be necessary.

This decision is effective _____

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

Signed at Philadelphia, Pennsylvania, this 8th day of March 1976.

DAVID H. RHONE,
Regional Administrator.

[FR Doc.76-15234 Filed 5-24-76;8:45 am]

NATIONAL ADVISORY COMMITTEE ON OCCUPATIONAL SAFETY AND HEALTH

Meeting

Notice is hereby given of a meeting of the Natonal Advisory Committee on Occupational Safety and Health (NACOSH), established under section 7(a) of the Occupational Safety and Health Act of 1970. The purpose of this Committee is to advise the Secretary of Labor and the Secretary of Health, Education, and Welfare on matters relating to the administration of the Act.

The meeting will be held June 24 and 25, 1976, starting at 9:00 a.m. in Conference Room B, Departmental Auditorium, Constitution Avenue between 12th and 14th Streets, Washington, D.C. The public is invited to attend.

Agenda items will include a Bureau of Labor Statistics presentation that will explain the types of occupational statistics available and possible uses by NACOSH. In addition, the Committee will be informed about activities of its Subgroups on Budget, Compliance, Standards, and Policy and Issues. Depending on the outcome of Subgroup meetings that will be held prior to June 24th, Subgroups will present recommendations to NACOSH on the following matters: The definition of repeated violations; funding for statistics in OSHA's FY 1978 budget; the concept of the action level which is included in several proposed health standards, and the impact of OSHA on small business.

For additional information on these items, please contact:

Nancy L. Hucke, National Advisory Committee on Occupational Safety and Health, Department of Labor—OSHA, Committee Management Office, Room N-3635, Third Street and Constitution Avenue, NW., Washington, D.C. 20210, Phone: (202) 523-8024.

Any written data or views concerning any agenda item which are received by the Committee Management Office before the meeting, preferably with 20 copies, will be presented to the Committee and included in the official record of the meeting.

Anyone wishing to request an oral presentation should notify the Committee Management Office before the meeting. The request should state the amount of time desired, the capacity in which the person will appear, and a brief outline of the content of the presentation. Oral presentations will be scheduled at the discretion of the Committee Chairman, depending on the extent to which time permits.

Official records of the meeting will be available for public inspection at the above address.

Signed at Washington, D.C. this 18th day of May 1976.

J. GOODELL,
Executive Secretary.

[FR Doc.76-15233 Filed 5-24-76;8:45 am]

Office of the Secretary

[Secretary of Labor; Order No. 11–76]

EQUAL OPPORTUNITY IN DEPARTMENT OF LABOR FUNDED PROGRAMS

Policy Statement

1. *Purpose.* To reestablish and reaffirm the policy of equal opportunity in Department of Labor funded programs.

2. *Directives Affected.* Secretary's Order 4–73 is canceled.

3. *Authority.* This Order is issued pursuant to the Act of March 4, 1913 (37 Stat. 736, 29 U.S.C. Section 551); Reorganization Plan No. 6 of 1950 (15 FR 3174, 64 Stat. 1263, 29 U.S.C. Section 551, Note); the Act of June 25, 1948 (62 Stat. 721, 18 U.S.C. Section 601); the Equal Pay Act of 1963, as amended (29 U.S.C. Section 206); the Civil Rights Act of 1964, as amended (42 U.S.C. Section 2000 d, e–2 and e–3); the Age Discrimination in Employment Act of 1967, as amended (29 U.S.C. Sections 621, 623 and 29 CFR Parts 850, 860); the Rehabilitation Act of 1973 (29 U.S.C. Section 793, 794 and 20 CFR 741); the Comprehensive Employment and Training Act of 1973 (29 U.S.C. Sections 801, 991); the Age Discrimination Act of 1975 (42 U.S.C. 6102); Executive Order 11141 (29 FR 2477); Executive Order No. 11246 (30 FR 12319), as amended by Executive Order No. 11375 (32 FR 14303); and Executive Order No. 11758 (39 FR 2075).

4. *Policy.* It is the policy of the Department to develop and promote equal opportunity in contracts, grants, and programs funded by the DOL Agencies. Discrimination based on race, color, religion, sex, national origin, age, political beliefs, or physical or mental handicap is prohibited in such contracts, grants, and programs.

5. *Assignment of Responsibility and Action Required.* DOL Agency Heads shall develop and issue such procedures and take such action as is necessary to ensure compliance with this Order for all programs within their respetive jurisdictions.

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

[FR Doc.76–15235 Filed 5–24–76;8:45 am]

[TA–W–865]

BETHLEHEM STEEL CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On April 30, 1976 the Department of Labor received a petition dated April 15, 1976 which was filed under section 221 (a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Lanman Bolt plant, East Chicago, Indiana, a subsidiary of Bethlehem Steel Corp., Bethlehem, Pa. (TA–W–865). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with bolts produced by Bethlehem Steel Corporation or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than _____.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 30th day of April 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76–15236 Filed 5–24–76;8:45 am]

[TA–W–761]

CONTINENTAL COPPER

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA–W–761: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on March 29, 1976 in response to a worker petition received on March 29, 1976 which was filed by the United Steelworkers of America on behalf of workers and former workers producing tool steel at the Continental Copper, Braeburn Alloy Steel Division, Lower Burrell, Pennsylvania.

The notice of investigation was published in the FEDERAL REGISTER on April 23, 1976 (41 FR 17029). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Braeburn Alloy Steel, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all four of the above criteria have been met.

Significant total or partial separations. Employment of production workers at the Braeburn Alloy steel plant declined 28 percent in 1975 compared to 1974. Employment declined in each quarter of 1975 compared to the like quarter in 1974.

Sales or production, or both, have decreased absolutely. Annual sales of tool steel at the Braeburn Alloy Steel plant increased 18 percent in quantity from 1973 to 1974. Sales declined 40 percent in quantity in 1975 compared to 1974. Annual production of tool steel increased 13 percent from 1973 to 1974. Production declined 42 percent in 1975 compared to 1974.

Increased imports. Imports of tool steel declined 27.8 percent in 1971 compared to 1970. Imports increased 18.1 percent in 1972 compared to 1971 and increased 44.7 percent in 1973 compared to 1972. Imports declined 36.9 percent in 1974 compared to 1973. Imports increased 39.4 percent in 1975 compared to 1974. The ratios of imports to domestic shipment and consumption increased from 12.1 percent and 11.6 percent, respectively in 1974 to 27.7 percent and 23.4 percent, respectively in 1975.

Contributed importantly. The Department's investigation revealed that customers of Braeburn Alloy Steel have indicated that they have reduced purchases from Braeburn and increased purchases of competitive imported products. The price differential between domestic and imported steel was the factor cited most frequently when purchases were switched from domestic to foreign suppliers.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with tool steel produced by the Braeburn Alloy Steel plant contributed importantly to the total or

partial separation of the workers of that plant. In accordance with the provisions of the Act, I make the following certification:

All workers engaged in employment related to the production of tool steel at the Continental Copper, Braeburn Alloy Steel Division located in Lower Burrell, Pennsylvania who became totally or partially separated from employment on or after March 20, 1975 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

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

JAMES F. TAYLOR,
Director, Planning and Evaluation Staff.

[FR Doc.76-15237 Filed 5-24-76;8:45 am]

[TA-W-610]

LADY MARLENE BRASSIERE CORP.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-610: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on February 20, 1976 in response to a worker petition received on February 20, 1976 which was filed by the Corset and Brassiere Workers' Union, Local 32, ILGWU, on behalf of former workers manufacturing brassieres and girdles at the Lady Marlene Brassiere Corporation, New York, New York.

The notice of investigation was published in the FEDERAL REGISTER on March 12, 1976 (41 FR 10642). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the parent firm, Lady Marlene Brassiere Corp., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, Industry analysts, the Corset and Brassiere Workers Union, Local 32, ILGWU, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in each workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales, production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation revealed that all criteria have been met.

Significant total or partial separations. The average number of production workers at the Lady Marlene Brassiere Corporation declined 33 percent in the first quarter of 1975 compared to the same period of 1974. All production workers were separated from employment by May 21, 1975 when the plant closed.

Sales or production or both, have decreased absolutely. Sales of brassieres and girdles at Lady Marlene decreased 32 percent in 1974 compared to 1973 and decreased 49 percent in the first two quarters of 1975 compared to the same period in 1974. Production ceased on May 21, 1975 when the plant closed.

Increased imports. Imports of brassieres increased in each year from 1970 through 1975. Imports increased from 6,187,000 dozens in 1974 to 6,921,000 dozens in 1975 or increased 11 percent. The ratios of imports to domestic production and consumption increased from 31.7 percent and 30.1 percent, respectively, in 1973 to 35.4 percent and 37.0 percent, respectively in 1974.

Imports of girdles decreased in 1971 compared to 1970, increased in 1972, decreased again in 1973 and then increased 71 percent in 1974 and 17 percent in 1975. Imports increased from 113,000 dozens in 1974 to 133,000 dozens in 1975. The ratios of imports to domestic production and consumption both increased from 1.4 percent in 1973 to 2.6 percent in 1974.

Contributed importantly. The Department's investigation indicated that customers of the Lady Marlene Brassiere Corporation shifted their purchases from domestic to less expensive, imported brassieres and girdles.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with brassieres and girdles produced by Lady Marlene Brassiere Corporation, New York, New York contributed importantly to the total or partial separation of the workers of that plant. In accordance with the provision of the act, I make the following certification:

All workers engaged in employment at Lady Marlene Brassiere Corporation, New York, New York who became totally or partially separated from employment on or after February 12, 1975 and before June 30, 1975 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 30th day of April 1976.

JAMES F. TAYLOR,
Director,
Planning and Evaluation Staff.

[FR Doc.76-15238 Filed 5-24-76;8:45 am]

[TA-W-608]

SPLENDORFORM BRASSIERE, INC.

Certification of Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-608: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on February 20, 1976 in response to a worker petition received on February 20, 1976 which was filed on behalf of workers formerly producing brassieres at the New York sewing plant of Splendorform Brassiere, Inc., a subsidiary of Splentex, Incorporated, New York, New York.

The notice of investigation was published in the FEDERAL REGISTER on March 12, 1976 (41 FR 10651). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Splendorform Brassiere, Inc., its customers, the U.S. Department of Commerce, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all four criteria have been met.

Significant total or partial separations. The average number of sewing operators declined 29 percent in 1975 compared to 1974. In the second, third and fourth quarters of 1975, the average number of sewing operators declined 41 percent, 30 percent and 29 percent, respectively compared to the same quarters in 1974. All sewing operators were laid off in December 1975.

Sales or production, or both, have decreased absolutely. Production declined, 51 percent in 1975 compared to 1974. Production ceased in December 1975.

Increased imports. U.S. imports of brassieres increased in every year from 1970

through 1975. In 1975, imports were 6.9 million dozens compared to 6.2 million dozens in 1974 and 4.1 million dozens in 1970.

Contributed importantly. Customers of Splendorform reported that the proportion of imported brassieres among their total brassiere purchases increased during the period 1973–1975. Splendorform's parent corporation, Splentex, Incorporated reported that its imports of brassieres increased more than 200 percent in 1975 compared to 1974.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with brassieres produced at the plant of Splendorform Brassiere, Inc., located at 632 Broadway, New York, New York contributed importantly to the total or partial separation of the sewing operators of that plant. In accordance with the provisions of the Act, I make the following certification:

All sewing operators engaged in employment related to the production of brassieres at the plant of Splendorform Brassiere, Inc., located at 632 Broadway, New York, New York who became totally or partially separated from employment on or after February 12, 1975 and before December 31, 1975 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

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

JAMES F. TAYLOR,
Director,
Planning and Evaluation Staff.

[FR Doc.76-15239 Filed 5-24-76;8:45 am]

[TA-W-849]

TEXTRON, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On April 30, 1976, the Department of Labor received a petition dated April 15, 1976, which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Fabco, West Newton, Pa., a subsidiary of Textron, Inc., Providence, Rhode Island (TA-W-849).

Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with washers, special and standard fasteners produced by Textron, Incorporated, or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 30th day of April 1976.

MARVIN M. FOOKS,
Director, Office of
Trade Adjustment Assistance.

[FR Doc.76-15240 Filed 5-24-76;8:45 am]

[TA-W-850]

VEEDER INDUSTRIES, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On April 30, 1976 the Department of Labor received a petition dated April 15, 1976 which was filed under Section 221 (a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of MAC-IT Company Division East Lancaster, Pennsylvania, a division of Veeder Industries, Inc. (TA-W-850).

Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with special steel fasteners produced by Veeder Industries, Inc., or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or prouction, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than .....

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 30th day of April 1976.

MARVIN M. FOOKS,
Director, Office of
Trade Adjustment Assistance.

[FR Doc.76-15241 Filed 5-24-76;8:45 am]

Wage and Hour Division

[Administrative Order No. 645]

INDUSTRY COMMITTEE FOR VARIOUS INDUSTRIES IN PUERTO RICO

Appointment; Convention; Notice of Hearings

On April 9, 1976, Administrative Order No. 644 was published in FEDERAL REGISTER (41 FR 15085) appointing Industry Committees to review wage rates for various industries in Puerto Rico under the Fair Labor Standards Act of 1938 as amended. Beginning January 1, 1977, the $200,000 exemption in section 13(a) of the Act is eleminated for employees employed by a retail or service establishment in an enterprise whose annual gross volume of sales made is not less than $250,000 as provided in section 3 of the Act. Because of the expiration of this exemption there may be some employers and employees in the motion picture theater classification who are unaware of their new coverage. To call this to the attention of this group of interested people, subpart ii of subparagraph c of paragraph (2) of Administrative Order No. 644 is clarified and amended as follows:

2(c)ii. The motion picture theaters classification comprises every threater where motion pictures are exhibited, including all activities in establishments of an enterprise which have an annual dollar volume of $250,000. The current $200,000 exemption for establishments in an enterprise is no longer effective after December 31, 1976. The date for submitting data to be considered in this amended classification is extended to June 11, 1976.

Signed at Washington, D.C. this 21st day of May, 1976.

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

[FR Doc.76-15377 Filed 5-24-76;8:45 am]

DEPARTMENT OF STATE

[Public Notice 490]

BROWNSVILLE, TEXAS

Request for Bridge Permit

On May 12, 1976, Cameron County, Texas filed with the Secretary of State an Application for a Presidential Permit to build an international bridge across the Rio Grande River at Brownsville, Texas. Copies of the application will be circulated to interested governmental agencies, and are available to the public at the Office of the Assistant Legal Adviser for Economic and Business Affairs, Room 6420, Department of State.

An assessment of environmental impact will be prepared by the Department of State, circulated to interested governmental agencies, and similarly made available to the public.

Comments on the Application should be submitted to the Assistant Legal Adviser for Economic and Business Affairs, Room 6420, Department of State, Washington, D.C. 20520.

PHILLIP R. TRIMBLE,
Assistant Legal Adviser for Economic and Business Affairs.

MAY 15, 1976.

[FR Doc.76-15213 Filed 5-24-76;8:45 am]

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

FIREARMS

Granting of Relief Pursuant to Section 925(c), Title 18, United States Code

Notice is hereby given that pursuant to 18 U.S.C. Section 925(c) the following named persons have been granted relief from disabilities imposed by Federal laws with respect to the acquisition, transfer, receipt, shipment, or possession of firearms incurred by reason of their convictions of crimes punishable by imprisonment for a term exceeding one year.

It has been established to my satisfaction that the circumstances regarding the convictions and each applicant's record and reputation are such that the applicants will not be likely to act in a manner dangerous to public safety, and that the granting of the relief will not be dangerous to the public interest.

Andrews, James Edward, Route 1, Box 37-A, Dothan, Alabama, convicted on March 26, 1963, in the Houston County Circuit Court, Alabama.

Askew, Ronnie, 1419 Johnson, Saginaw, Michigan, convicted on July 26, 1974, in the Circuit Court, Saginaw County, Michigan.

Bakos, Victor, 1327 Poplar Street, Flint, Michigan, convicted on February 16, 1948, in the United States District Court, Eastern District of Michigan.

Barbour, Harold W., Chase Avenue, Conway, New Hampshire, convicted on June 13, 1968, in the Carroll County Superior Court, Ossipee, New Hampshire.

Bollinger, Charles Gene, No. 1 Bollinger Lane, Waynesville, Missouri, convicted on February 7, 1974, in the United States District Court, Western District of Missouri, Southern Division.

Denby, Leo J., 63 Eastern Avenue, St. Johnsbury, Vermont, convicted on December 18, 1958, and November 14, 1961, in the Superior Court, Fairfield County, Bridgeport, Connecticut; and on May 9, 1960, in the Town Court, Fairfield, Connecticut.

DiGerlando, Douglas J., Post Office Box 97, Westbrookville, New York, convicted on December 18, 1958, in the Criminal Court, Queens County, New York.

Duke, George F., 5055 West 151st Street, Oak Forest, Illinois, convicted on April 22, 1939, in the Saline County Circuit Court, Illinois; and on March 17, 1949, in the United States District Court, Eastern District of Missouri.

Dunnam, Roy Ray, Jr., Route 2, Box 250, Lubbock, Texas, convicted on November 17, 1961, in the Criminal District Court, No. 3, Dallas County, Texas; on April 30, 1962, in the District Court, Third Judicial District, Wyoming; on January 28, 1963, in the United States District Court, Northern District of California, Southern Division; and on March 25, 1968, in the Superior Court of the State of California, in and for the County of Alameda, California.

Ennis, Robert S., III, 510 N.E. 98th, Seattle, Washington convicted on December 12, 1973, in the Washington Superior Court, King County, Washington.

Gates, Patterson Robert, 5230 Guilford Road, Rockford, Illinois, convicted on September 13, 1965, in the Circuit Court of the Seventeenth Judicial Circuit, Winnebago County, Illinois.

Gibson, George Allen, 8323 Highway 365, Little Rock, Arkansas, convicted on November 17, 1958, in the United States District Court, Eastern District of Arkansas, Western Division; and on September 22, 1965, in the Pulaski Circuit Court, First Division, Arkansas.

Henon, Frederick J., 3004 Freemanburg Avenue, Easton, Pennsylvania, convicted on or about March 31, 1970, in the Quarter Sessions Court, Media, Pennsylvania.

Honneycutt, Larry J., 3158 Creasy Road, Custer, Washington, convicted on January 14, 1957, in the Lewis County Superior Court, Washington.

Horton, Pershing Q., Three Springs, Pennsylvania, convicted on September 7, 1973, in the United States District Court, Williamsport, Pennsylvania.

Howard, Kieffer Lamar, Sr., 2413 Grist Mill Road, Little Rock, Arkansas, convicted on March 4, 1974, in the United States District Court, Eastern District, Arkansas.

Jackes, Robret E., RFD No. 3, Parade Road, Laconia, New Hampshire, convicted on June 4, 1973, in the Belknap Superior Court, New Hampshire.

Jett, William L., 1204 North 11th Street, Phoenix, Arizona, convicted on April 26, 1963, in the Marion County Criminal Court, Illinois; on August 8, 1968, in the Pima County Superior Court, Arizona; and on September 3, 1968, in the United States District Court, Tucson, Arizona.

Kelly, Kenneth, 114 N. 5th Street, Desloge, Missouri, convicted on March 24, 1970, in the Circuit Court, St. Francois County, Missouri.

Knickrehm, Albert B., 10230 Nieman Place, Overland Park, Kansas, convicted on July 11, 1975, in the United States District Court, Eastern District of Pennsylvania.

Lederhaus, Dennis A., Box 9, Medina, Wisconsin, convicted on June 8, 1973, in the Waupaca County Court, Branch II, Wisconsin.

Lipscy, Vince W., 504 North 20th Avenue, Yakima, Washington, convicted on February 13, 1965, in the Washington Superior Court, Kittitas County, Washington.

Looney, Daniel Joseph, 1838-E McKnight Mill Road, Greensboro, North Carolina, convicted on August 21, 1972, in the Guilford County Superior Court, North Carolina.

Loyd, Thomas H., 489 Highline, East Wenatchee, Washington, convicted on September 27, 1971, in the United States District Court, Eastern District of Washington.

McCall, Sheryl Diane, 506 Burke, Pasadena, Texas, convicted on February 23, 1973, in the 185th District Court, Harris County, Texas.

McCord, William R., P.O. Box 313, Cottonwood, Alabama, convicted on February 7, 1966, in the Circuit Court of Houston County, Dothan, Alabama.

McCormick, John T., Jr., 1516 Virginia Avenue, Victoria, Virginia, convicted on June 5, 1970, in the Hall County Superior Court, Georgia.

Macey, Harry E., Jr., 4608 Ferguson Lane, Richmond, Virginia, convicted on September 7, 1956, in the Circuit Court, City of Fredericksburg, Virginia.

Meyer, Marc S., 430 G Street, Bakersfield, California, convicted on or about October 14, 1969, in the Superior Court for Kern County, California.

Moore, Loyd, Sr., 405 Jenkins Street, LaGrange, Georgia, convicted on November 21, 1956, in the United States District Court, Northern District of Georgia.

Morse, Richard Clarence, 310 N. Cedar Street, Imlay City, Michigan, convicted on June 18, 1971, in the Circuit Court for the County of Lapeer, Michigan.

Novander, Richard C., P.O. Box 832, Endeavor, Wisconsin, convicted on April 8, 1971, in the Columbia County Court, Portage, Wisconsin.

Onnela, Henry Edward, 1313 N. Main, Liberty, Texas, convicted on February 3, 1961, in the United States District Court for the Western District of Missouri, Western Division.

Pimpl, John E., P.O. Box 553, Reno, Nevada, convicted on August 23, 1974, in the Nevada District Court, Second Judicial District.

Randolph, Jonathan J., 4811 Florence Avenue, Philadelphia, Pennsylvania, convicted on November 24, 1969, in the Court of Common Pleas, Philadelphia, Pennsylvania.

Rude, Michael S., 3916 California Avenue, St. Louis, Missouri, convicted on December 31, 1968, in the United States District Court, Southern District of Illinois, Southern Division.

Runge, David Paul, 1315 Garfield Avenue, Marinette, Wisconsin, convicted on or about April 21, 1958, in the Circuit Court, Oconto County, Marinette, Wisconsin.

Shriner, Stuart James, 21 Mill Lane, Malvern, Pennsylvania, convicted on August 10, 1973, in the Superior Court of New Jersey, Law Division, Criminal, Cape May County, New Jersey.

Skahan, Joseph, Jr., P.O. Box 648, Toppenish, Washington, convicted on December 7, 1944, in the Superior Court, Yakima County, Washington.

Stipes, Robert D., 2905 Downing, Bethany, Oklahoma, convicted on July 30, 1971, in the United States District Court, Western District of Oklahoma.

Stovall, Richard C., Rt. 4, Box 188, Seagoville, Texas, convicted on February 26, 1970, in the Criminal District Court of Dallas County, Texas.

Stratton, Larry, 2123 Johanna, SW, Wyoming, Michigan, convicted on July 22, 1968, in the Circuit Court of Alger County, Michigan.

Thiel, Henry A., 721 Bayside, Detroit, Michigan, convicted on March 7, 1967, in the Recorder's Court, Detroit, Michigan.

Thomson, James M., 4811-A South Congress Avenue, Austin, Texas, convicted on March 31, 1969, in the 147th Judicial District Court, Travis County, Texas; on May 3, 1971, in the 167th Judicial District Court, Travis County, Texas; and on December 12, 1974, in the 147th Judicial District Court, Travis County, Texas.

Tomlin, Jackie Russell, 820 Dorothy Drive, Jackson, Missouri, convicted on November 15, 1965, in the Superior Court, Pend Oreille County, New Port, Washington.

Turner, William Bynum, Route 4, Box 112, Albertville, Alabama, convicted on March 17, 1971, in the Putnam County Superior Court, Putnam County, Georgia.

Whitson, Raymond W., 8242 Pillsbury Avenue South, Minneapolis, Minnesota, convicted on February 8, 1956, in the Pierce County Court, Tacoma, Washington; on September 27, 1960, in the King County Court, Seattle, Washington; on May 10, 1961, and on June 12, 1962, in the Blue Earth County District Court, Mankato, Minnesota; and on November 28, 1962, in the Lane County Court, Eugene, Oregon.

Wiggers, Larry Lee, 115 Deloney Street, SW, Grand Rapids, Michigan, convicted on January 16, 1961, in the Circuit Court for the County of Muskegon, Michigan; on March 15, 1961, in the Circuit Court for the County of Ottawa, Michigan; on October 17, 1963, in the Circuit Court for the County of Ottawa, Michigan; and on November 6, 1970, in the Circuit Court for the County of Kent, Michigan.

Wilson, Clyde A., 13303 Pebblebrook, Houston, Texas, convicted on September 21, 1973, in the United States District Court, Northern District of Texas, Dallas, Texas.

Signed at Washington, D.C., this 13th day of May 1976.

REX DAVIS,
Director, Bureau of Alcohol, Tobacco and Firearms.

[FR Doc.76-15156 Filed 5-24-76;8:45 am]

Fiscal Service

[Dept. Circ. 570, 1975 Rev., Supp. No. 20]

SURETY COMPANIES ACCEPTABLE ON FEDERAL BONDS

American Reserve Insurance Company

Resolute Insurance Company, a Rhode Island corporation, has formally changed its name to American Reserve Insurance Company, effective November 18, 1975. Documents evidencing the change of name are on file in the Treasury.

A new Certificate of Authority as an acceptable surety on Federal bonds dated November 18, 1975, has been issued by the Secretary of the Treasury to American Reserve Insurance Company, under Sections 6 to 13 of Title 6 of the United States Code, to replace the certificate issued July 1, 1975 (40 FR 29256, July 10, 1975) to the company under its former name, Resolute Insurance Company. The underwriting limitation of $342,000 previously established for the company remains unchanged.

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

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

Dated: May 17, 1976.

DAVID MOSSO,
Fiscal Assistant Secretary.

[FR Doc.76-15169 Filed 5-24-76;8:45 am]

Internal Revenue Service

Labor-Management Services Administration

[Application No. D-158]

EMPLOYEE BENEFIT PLANS

Exemption Relating to Transactions Involving the Citizens and Southern National Bank Retirement Trust, et al.

Notice is hereby given of the pendency before the Department of Labor (the Department) and the Internal Revenue Service (the Service) of a proposed exemption from the restrictions of section 406(a) of the Employee Retirement Income Security Act of 1974 (the Act) and from the taxes imposed by section 4975 (a) and (b) of the Internal Revenue Code of 1954 (the Code), by reason of section 4975(c)(1) (A) through (D) of the Code. The pending exemption was requested in an application filed by the trustees of the Citizens and Southern National Bank Pension Trust (Pension Trust) and the trustees of the Citizens and Southern National Bank Profit Sharing Trust (Profit Sharing Trust) to exempt the sale of certain plan assets to parties in interest or disqualified persons.

The application was filed pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975) and Rev. Proc. 75-26, 1975-1 C.B. 722.

Summary of Representations. The application contains representations with regard to the pending exemption, which are summarized below. Interested persons are referred to the application on file with the Department and the Service for the complete representations of the trustees of the Pension Trust and the Profit Sharing Trust.

The Citizens and Southern National Bank (Bank) is a national banking association. The Citizens and Southern Holding Company (Holding Company) is a wholly owned subsidiary of the Bank and is subject to both federal and state banking laws. Until October 31, 1974, the Holding Company owned 5 percent of the outstanding common stock of certain correspondent associate banks in the State of Georgia (Correspondent Associates).

The Bank, the Holding Company and virtually all of the Correspondent Associates have each adopted both a qualified profit-sharing plan and a qualified pension plan (the Plans).

The trust assets held in conjunction with the Plans have been commingled for administrative and investment purposes. The assets of the profit-sharing plans are held by the Profit Sharing Trust and the assets of the pension plans are held by the Pension Trust.

In 1971, the Independent Bankers Association of Georgia (IBA) brought a suit against the Georgia Commissioner of Banking & Finance (Banking Commissioner), the Bank, the Holding Company and 10 of the Correspondent Associates contending, inter alia, that the ownership of the 5 percent interest by the Holding Company in the 10 Correspondent Associates violated the Georgia Bank Holding Company Act (Georgia Code Annotated section 13-207) and that the failure of the Banking Commissioner to take action against this violation subjected him to an action for mandamus. The Georgia Supreme Court, in an opinion dated March 5, 1973, generally upheld the contentions of the IBA. After a second appeal to the Georgia Supreme Court, a Superior Court of Georgia ordered the Banking Commissioner to bring the Holding Company into compliance with the Georgia Supreme Court's decision no later than May 24, 1975. Pursuant to the Superior Court's directive, the Banking Commissioner on May 24, 1974, ordered the Holding Company to divest itself of its 5 percent stock interests in the 10 Correspondent Associates by November 1, 1974, and in an additional 15 Correspondent Associates by February 1, 1975.

Prior to the end of 1974, and in an effort to comply with the Banking Commissioner's divestiture order, the Holding Company sold to the trustees of the Profit Sharing Trust and the Pension Trust the stock it owned in the Correspondent Associates (Divestiture Stock) and the trustees of both Trusts continue to own the Divestiture Stock.

On March 7, 1975, the Attorney General of the State of Georgia gave his opinion that the sale of the Divestiture Stock by the Holding Company to the Trustees was not an adequate divestiture because the trustees were not sufficiently independent of the Bank and the Holding Company to satisfy the Supreme Court's decision. On the basis of the Attorney General's opinion, the Banking Commissioner ordered a rescission of such sale of the Divestiture Stock. On May 22, 1975, however, the Banking Commissioner permitted the Trustees to transfer the Divestiture Stock to an escrow agent approved by the Banking Commissioner, in order to satisfy the Supreme Court's decision while not entering into a prohibited transaction under the Act and the Code by reselling the Divestiture Stock to the Holding Company. The escrow agent is George E. Manners, Sr., former Dean of the Graduate School at Georgia State University.

Pursuant to the terms of the escrow agreement dated May 22, 1975, the escrow agent has accepted delivery of the Divestiture Stock. Furthermore, the escrow agent is expressly authorized to exercise the voting rights accorded to the Divestiture Stock at any meetings of stockholders of the issuers and he will exercise his own judgment in voting the Divestiture Stock.

The escrow agent is permitted to sell the Divestiture Stock at a price which he deems to be not less than fair market value and on terms which he deems reasonable except as otherwise limited by law or prohibited by the May 24, 1974, order of the Banking Commissioner. The escrow agent is not permitted to sell the Divestiture Stock to the Holding Company, the trustees of the Profit Sharing Trust or the Pension Trust or any person who is a party in interest as defined by the Act or a disqualified person as defined by the Code unless an exemption from the prohibited transaction provisions of the Act or the Code has been obtained. Further, the escrow agent may not sell any of the Divestiture Stock to any purchaser who fails or refuses to execute, under oath, a written statement that said purchaser is not a policy making officer or director or the spouse of such officer or director of the Holding Company or the Bank; that the sale of the Divestiture Stock does not otherwise violate the Banking Commissioner's Order of May 24, 1974; and that the purchaser does not purchase such stock for the purpose of sale or other transfer to or holding for the benefit of, and will not sell to or hold for the benefit of any such policy making officer or director, spouse thereof, or any other person who is prohibited from purchasing or acquiring beneficial interest in the Divestiture Stock.

The escrow agreement also requires the escrow agent to report all sales of the Divestiture Stock to the Banking Commissioner within 15 days of the date of such sales. Such report will identify the issuer, the number of shares sold, the purchaser, the price and such other information as the Banking Commissioner may request.

The trustees and the escrow agent attempted, but were unable to locate purchasers for shares of the Correspondent Associates stock who are not disqualified persons or parties in interest.

Accordingly, the trustees have requested an exemption to permit the sale of the stock of the Correspondent Associates to parties in interest or disqualified persons. The exemption was requested to permit the Bank, the Holding Company and the trusts to comply with the orders of the state banking authorities and to eliminate a costly and inefficient arrangement whereby certain assets of the Profit Sharing Trust and Pension Trust are held by an escrow agent, who also votes such shares of stock at his own discretion without instruction from the trustees of the Profit Sharing Trust and Pension Trust, despite the fact that such trustees are the individuals responsible for protecting the interests of participants and beneficiaries.

In the event that it is determined that the price of the shares sold by the escrow agent to disqualified persons or parties in interest is less than the fair market value of such shares at the time of sale, the Holding Company will pay to the trusts the amount of such deficiency plus interest on such amount from the date of sale to the date of correction at the rate determined under section 6621 of the Code.

Notice of the pending exemption as published in the FEDERAL REGISTER will be published in the "Pay Day Newsletter" which is distributed semi-monthly to all employees of the Bank, the Holding Company and the Correspondent Associates. Additionally, copies of this notice will be posted for at least 30 days on the personnel bulletin board at all personnel locations of the Bank, the Holding Company, and the Correspondent Associates. This notice will also be mailed to all retired participants or beneficiaries who are receiving periodic distributions from either the Profit Sharing or the Pension Trusts.

General Information. The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary with respect to a plan to which the exemption is applicable from certain other provisions of the Act and the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act which, among other things, require a fiduciary to discharge his duties respecting the plan solely in the interest of the plan's participants and beneficiaries and in a prudent fashion in accordance with subsection (a)(1)(B) of section 404 of the Act, nor does it affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) The pending exemption, if granted, will not extend to transactions prohibited under section 406(b) of the Act and section 4975(c)(1)(E) and (F) of the Code;

(3) Before an exemption may be granted under section 408(a) of the Act and section 4975(c)(2) of the Code, the Department and the Service must find that the exemption is administratively feasible, in the interests of the plans and of their participants and beneficiaries, and protection of the rights of such participants and beneficiaries; and

(4) The pending exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory exemptions and transitional rules. Furthermore, the fact that a transaction is the subject of an exemption is not dispositive of whether the transaction would have been a prohibited transaction in the absence of such exemption or, though it would have been a prohibited transaction, is exempt by operation of a statutory or other exemption or a transitional rule.

All interested persons are invited to submit written comments on the pending exemption. All written comments (preferably six copies) should be addressed to the Internal Revenue Service, 1111 Constitution Avenue, NW.; Washington, D.C. 20224, Attention: E:EP:PT (D-158).

In order to receive consideration, such comments must be received by the Internal Revenue Service on or before July 12, 1976. The application for exemption referred to herein and such comments will be open to public inspection at the Internal Revenue Service National Office Reading Room, 1111 Constitution Avenue, NW., Washington, D.C. 20224.

Pending Exemption. Based upon the application, hereinabove described, the Service and the Department have under consideration the granting of the requested exemption, under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975) and Rev. Proc. 75-26, 1975-1 C.B. 722, whereby the restrictions of section 406(a) of the Act and the taxes imposed by section 4975 (a) and (b) of the Code, by reason of section 4975(c)(1)(A) through (D) of the Code, shall not apply to any sale of the Divestiture Stock made pursuant to the escrow agreement dated May 22, 1975, and pursuant to the terms, conditions and representations set forth in the application.

The pending exemption, if granted, will be subject to the express conditions that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transactions to be consummated pursuant to the exemption.

Signed at Washington, D.C. this 14th day of May, 1976.

DONALD C. ALEXANDER,
Commissioner of Internal Revenue.

JAMES D. HUTCHINSON,
Administrator of Pension and Welfare Benefit Programs, U.S. Department of Labor.

[FR Doc.76-15199 Filed 5-24-76;8:45 am]

Office of the Secretary

DIAMOND TIPS FOR PHONOGRAPH NEEDLES FROM THE UNITED KINGDOM

Tentative Determination to Modify or Revoke Dumping Finding

A finding of dumping with respect to diamond tips for phonograph needles from the United Kingdom was published as Treasury Decision 72-91 in the FEDERAL REGISTER of April 1, 1972 (37 F.R. 6665).

After due investigation, it has been determined tentatively that diamond tips for phonograph needles produced and sold by Fidelitone International Ltd., Peebles, Scotland are no longer being, nor likely to be, sold in the United States at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 *et seq.*)

Statement of Reasons on Which This Tentative Determination Is Based.

The investigation indicated that sales of diamond tips for phonograph needles by Fidelitone International Ltd. during a recent period of more than 2 years have been at not less than fair value. Also, the manufacturer has given written assurances that it will make no future sales at less than fair value.

Accordingly, notice is hereby given that the Department of the Treasury intends to modify the finding of dumping with respect to diamond tips for phonograph needles from the United Kingdom to exclude such merchandise produced and sold by Fidelitone International Ltd., Peebles, Scotland.

In accordance with § 153.37, Customs Regulations (19 CFR 153.37), interested persons may present written views or arguments or request in writing that the Secretary of the Treasury afford an opportunity to present oral views.

Any requests that the Secretary of the Treasury afford an opportunity to present oral views should be addressed to the Commissioner of Customs, 1301 Constitution Ave., N.W., Washington, D.C. 20229, in time to be received by his office not later than 10 days from the date of publication of this notice in the FEDERAL REGISTER. Such requests must be accompanied by a statement outlining the issues wished to be discussed.

Any written views or arguments should likewise be addressed to the Commissioner of Customs in time to be received by his office not later than June 24, 1976.

This notice is published pursuant to § 153.41(c) of the Customs Regulations (19 CFR 153.41(c)).

Dated: May 20, 1976.

JAMES B. CLAWSON,
Acting Assistant Secretary of the Treasury.

[FR Doc.76-15183 Filed 5-24-76;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ROCK SPRINGS DISTRICT MULTIPLE USE ADVISORY BOARD

Meeting

MAY 18, 1976.

Notice is hereby given that the Rock Springs District Multiple Use Advisory Board will meet at 8:00 a.m., June 29, 1976, and at 8:30 a.m., June 30, 1976, at the Bureau of Land Management District Office, Rock Springs, Wyoming.

The agenda will include a field tour June 29 of representative allotments in the Sandy Grazing Environmental Impact Statement study area and a business meeting June 30 to discuss issues identified during the field tour and to receive public comments.

The meeting will be open to the public. Oral or written statements may be submitted for the Board's consideration during the second day of the meeting. Any interested person wishing to make an oral statement must inform the District Manager, Bureau of Land Management, Box 1869, Rock Springs, Wyoming 82901. Time limits for oral presentations may be established by the Chairman to ensure that all will be heard within the time available for such statements. Any interested person or organization may file a written statement with the Board for its consideration. Such statements may be submitted at the meeting or mailed to the District Manager, Bureau of Land Management, Box 1869, Rock Springs, Wyoming 82901.

Further information concerning the meeting may be obtained from Mr. Ronald Herdt, Public Affairs Officer, Bureau of Land Management, Box 1869, Rock Springs, Wyoming 82901. His telephone is (307) 362-6613.

NEIL F. MORCK,
District Manager.

[FR Doc.76-15211 Filed 5-24-76;8:45 am]

Geological Survey

KNOWN GEOTHERMAL RESOURCES AREA

Kyle Hot Springs, Nevada

Pursuant to the authority vested in the Secretary of the Interior by Sec. 21(a) of the Geothermal Steam Act of 1970 (84 Stat. 1566, 1572; 30 U.S.C. 1020), and delegations of authority in 220 Departmental Manual 4.1 H, Geological Survey Manual 220.2.3, and Conservation Division Supplement (Geological Survey Manual) 220.2.1 G, the following described lands are hereby defined as a known geothermal resources area effective March 19, 1976.

(5) NEVADA

KYLE HOT SPRINGS KNOWN GEOTHERMAL RESOURCES AREA MT. DIABLO MERIDIAN, NEVADA

T. 29 N., R. 36 E.,
Secs. 1 and 2.
Secs. 11 and 12.

The area described aggregates 2,561 acres, more or less.

Dated: April 22, 1976.

WILLARD C. GERE,
Conservation Manager, Western Region.

[FR Doc.76-15212 Filed 5-24-76;8:45 am]

National Park Service

ALIBATES FLINT QUARRIES AND TEXAS PANHANDLE PUEBLO CULTURE NATIONAL MONUMENT, TEXAS

Negative Declaration

An environmental assessment of four alternatives for the preservation and development of the Alibates Flint Quarries and Texas Panhandle Pueblo Culture National Monument was made available December 11, 1975. Public workshops were held January 15 and 16, 1976 in Amarillo and Borger, Texas.

As a result of the workshops and letters received commenting upon the assessment, an environmental review has been completed and an alternative plan has been selected. Recommended actions include land acquisition, access, fencing, visitor services and management support facilities, interpretive trails and signing, and a name change to Alibates Flint Quarries National Monument.

The National Park Service, based on the environmental review, has decided not to prepare an environmental statement on the general management plan for the monument.

Copies of the environmental review are on file and available upon request at the following locations: Southwest Regional Office, National Park Service, P.O. Box 728, Santa Fe, New Mexico 87501; Superintendent, Lake Meredith Recreation Area, P.O. Box 1438, Fritch, Texas 79036; and National Park Service, Room 10-G-3, Fritz G. Lanham Federal Center, 819 Taylor Street, Fort Worth, Texas 76102.

The National Park Service will proceed to implement the plan.

Dated: April 21, 1976.

JOSEPH C. RUMBURG, Jr.,
Regional Director, Southwest Region.

[FR Doc.76-15198 Filed 5-24-76;8:45 am]

MINUTE MAN NATIONAL HISTORICAL PARK ADVISORY COMMISSION

Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Minute Man National Historical Park Advisory Commission will be held, commencing at 2:00 p.m. on Friday, 18 June 1976, at the North Bridge Visitor Center, off Liberty Street, in Concord, Massachusetts.

The Commission was established by Public Law 86-321 to advise the Secretary of the Interior on the development of Minute Man National Historical Park.

The members of the Advisory Commission are as follows:

The Honorable F. Bradford Morse, Chairman, New York, New York
Mr. James DeNormandie, Lincoln, Massachusetts
Mr. Donald Nickerson, Lexington, Massachusetts
Mrs. Lucy Richardson, Concord, Massachusetts
Mrs. Katherine S. White, Lincoln, Massachusetts

At this meeting the Superintendent will submit a report. Discussion will take place on the report of the National Park Study Committee and future policies in respect to reports of this nature.

The meeting will be open to the public; however, space is limited and it is expected that not more than 15 persons can be accommodated. Any member of the public may file with the Commission

a written statement concerning the matters to be discussed.

For further information, please contact David L. Moffitt, Superintendent, Minute Man National Historical Park at (617) 369–6993 or 484–6192. Minutes of the meeting will be available for public inspection four weeks after the meeting at the office of the Superintendent.

L. J. HEVIG,
Acting Regional Director.

[FR Doc.76–15197 Filed 5–24–76;8:45 am]

NATIONAL REGISTER OF HISTORIC PLACES

Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before May 14, 1976. Pursuant to section 60.13(a) of 36 CFR Part 60, published in final form on January 9, 1976, written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the Keeper of the National Register, National Park Service, U.S. Department of the Interior, Washington, D.C. 20240. Written comments or a request for additional time to prepare comments should be submitted 10 days after publication.

JERRY L. ROGERS,
Acting Director, Office of Archeology and Historic Preservation.

ARIZONA

Cochise County

Douglas, *Gadsden Hotel*, 1046 G Avenue.

COLORADO

Denver County

Denver, *Christ Methodist Episcopal Church (Scott Methodist Episcopal Church)*, 2201 Ogden St.
Denver, *Cornwall Apartments*, 1317 Ogden St.; 912 E. 13th Ave.

Otero County

La Junta, *Post Office*, 4th Ave. and Colorado Ave., block 36, lots 9–12.

Pueblo County

Pueblo, Orman-Adams House (School Administration Building), 102 West Orman Ave.

FLORIDA

Escambia County

Pensacola, *Saenger Theatre*, 118 S. Palafox St.

IOWA

Benton County

Vinton, *Benton County Courthouse*, E. 4th St.

Cedar County

Downey, *Downey Savings Bank*, W. Branch Front St.

Cherokee County

Cherokee, *Bastian Site 13 CK 28.*
Cherokee, *Simonsen Site (13CK61)*, C, NE ¼, Sec. 10 T90N, R41W.

Clayton County

Elkader, *Timothy Davis House*, 405 1st St. NW.

Crawford County

Denison, *William A. McHenry House*, 1428 First Avenue North.

Davis County

Union Twp., *Troy Academy*, Sec. 26.

Delaware County

Manchester, *J. J. Hoag House (Wheat House)*, 120 E. Union St.

Dubuque County

Dubuque, *J. H. Thedinga House*, 340 W. 5th St.
Dubuque, *Shot Tower*, Commercial St. and River Front.

Fayette County

Fayette, *College Hall (Alexander Dickman Hall)*, E. Clark 200 block.

Franklin County

Hampton, *Franklin County Courthouse*, Central Ave. and 1st St. NW.

Jackson County

Maquoketa, *Seneca Williams Mill (Willey's Mill)*, Twp. 24N R3E Sect. 20.

Linn County

Cedar Rapids, *Seminole Valley Farmstead*, Twp. 83N., R 8 W Sect. 13.
Mt. Vernon, *King Memorial Chapel*, Cornell College.

Lyon County

Rock Rapids, *Rock Rapids Depot, Bridge No. 2834, track and hand switch*, N. Story St.

Madison County

St. Charles, *Imes Covered Bridge.*
Winterset, *McBride Covered Bridge*, Jefferson Twp.
Winterset, *Cedar Covered Bridge*, Union Twp.
Winterset, *Cutler–Donahue Covered Bridge*, Winterset City Park.
Winterset, *Hogback Covered Bridge*, Douglas Twp.
Winterset, *Hollowell Covered Bridge*, Scott Twp. Sect. 4.
Winterset, *North River Stone Schoolhouse*, Douglas Twp., Sect. 2.
Winterset, *Roseman Covered Bridge*, Webster Twp., Sect. 14.

Marshall County

Marshalltown, *Willard, LeRoy R., House*, 609 W. Main.

Pottawattamie County

Council Bluffs, *Ogden House (Ogden Hotel)*, 169 W. Broadway.

Warren County

Summerset, *United Presbyterian Church (Scotch Ridge United Presbyterian Church)*.

KENTUCKY

Carroll County

Carrollton vicinity, *Hunter's Bottom Historic District*, boundaries as shown on the U.S.G.S. Map (also in Trimble County).

LOUISIANA

Iberia Parish

New Iberia vicinity, *Spanish Lake Rural Historic District*, LA 182. (also in St. Martin Parish).

Orleans Parish

New Orleans, *Iris Channel Area Architectural District.*

MARYLAND

Dorchester County

Cambridge, *Ayreshire Glasgow*, 1500 Hambrooks Blvd.

Garrett County

Bloomington, *B & O Viaduct*, Potomac River.

MASSACHUSETTS

Middlesex County

Weston, *Harrington House*, 555 Wellesley St.

MISSISSIPPI

Adams County

Natchez, *William Johnson House*, 210 State St.

NEBRASKA

Cass County

East Rock Bluff, *Naomi Institute.*
Elmwood, *"The Elms" (Bess Streeter Aldrich House)*.

NEW HAMPSHIRE

Cheshire County

Keene, *Noah Cooke House*, Daniels Hill Rd.

NEW YORK

Albany County

Albany, *The Albany Institute of History and Art*, 135 Washington Ave.
New York, *Cathedral of the Immaculate Conception*, 125 Eagle St.

Chautaugua County

Busti, *The Busti Mill*, R.D. No. 1.

Kings County

Brooklyn, *Cooble Hill Historic District*, area between Atlantic Ave., Court, Degraw, and Hicks Sts.

Onondaga County

Syracuse, *Hanover Square Historic Dist.*, 101–203 E. Water, 120–200 E. Genesee St., 113 Salina St., 109–114 S. Warren St.

Saratoga County

Gansevoort, *Gansevoort Mansion.*

NORTH CAROLINA

Wake County

Raleigh, *Agriculture Building*, E. Edenton St.
Raleigh, *N.C. School for the Blind and Deaf Dormitory*, 216 W. Jones St.
Raleigh, *Pullen Park Carousel*, Pullen Park, Western Blvd.

OHIO

Astabula County

West Andover, *John Henderson House*, 5248 Stanhope–Kelloggsville Rd.

Athens County

Stewart, *Federalton*, 51 State St.

Brown County

Georgetown, *Bailey–Thompson House*, 112 N. Water St.
Georgetown, *Ulysses S. Grant Boyhood Home*, 219 E. Grant Ave.

Cuyahoga County

Cleveland, *Society for Savings Building*, Public Sq.

Fairfield County

Canal Winchester vicinity, *Loucks Covered Bridge*, Diley Rd.
Pickerington, *Hizey Covered Bridge*, Poplar Creek Rd.

Greene County

Xenia, *Millen-Schmidt House*, 184 N. King St.

Hamilton County

Harrison vicinity, *The Campbell, Hugh, House (Phoenix Park)*, 332 Weathervane Rd.
North Bend vicinity, *Warder, John Aston, House (Aston)*, Warder Lane, off Shady Lane.

Licking County

Croton, *Belle Hall Covered Bridge*, Dutch Cross Rd.

Mahoning County

Youngstown, *George J. Renner Jr. House*, 277 Park Ave.

Preble County

Lewisburg vicinity, *Warnke Covered Bridge*, Swamp Creek Rd.

Summit County

Akron, *St. Paul's Sunday School and Parish House*, E. Market and Forge Sts.

Union County

Marysville vicinity, *Gilcrist House*.

Vinton County

Allensville vicinity, *Mt. Olive Road Covered Bridge*, Mt. Olive Rd.

Washington County

Lawrence, *Hune Covered Bridge*, Township Road 34 just east of SR 26.

RHODE ISLAND

Bristol County

Barrington, *Belton Court*, Middle Highway

Kent County

West Warwick, *Phenix Baptist Church*, 10 Fairview Ave.

Providence County

Central Falls, *Central Falls Congregational Church*, 376 High St.
Pawtucket, *Pitcher-Goff House*, 56 Walcott St.
Pawtucket, *Slater Park Historic District*, Armistice Blvd.
Providence, *Christ Episcopal Church*, 909 Eddy St.
Providence, *The Shepard Company*, 259 Westminster Mall, 72-92 Washington St.
Woonsocket, *Cato Hill*, area bounded by Arnold, Blackstone, and Railroad Sts., Monument Sq. and Main St.

Providence County

Woonsocket, *Harris Warehouse*, 61 Railroad St.
Woonsocket, *Stadium Building*, 329 Main St.

Washington County

Narragansett, *Greene Inn*, 175 Ocean Rd.

TEXAS

Presidio County

Redford, *Tapalcomes (Polvo, 41 PS 21)*, on a Bloson fill terrace S of the Redford Cemetery.

UTAH

Cache County

Logan, *David Eccles Home*, 250 W. Center St.

Salt Lake County

Salt Lake City, *First Church of Christ*, 352 E. 3rd South
Salt Lake City, *J. A. Fritsch Block*, 158 E. 200 South
Salt Lake City, *Salt Lake Stock and Mining Exchange Building*, 39 Exchange Pl.

VERMONT

Franklin County

Highgate, *St. John's Episcopal Church*, Highgate Falls Village Green

Orange County

Bradford vicinity, *Goshen Church*, Goshen Rd.
Chelsea, *Congregational Church of Chelsea*, Chelsea Green
Wells River, Newbury, *Wells River Graded School*, Main St. U.S. 5

Orleans County

Derby Line, Vt., and Rock Island, Quebec (Canada), *Haskell Free Library and Opera House*, Caswell Avenue.

Rutland County

Brandon, *Brandon Village Historic District*, area between Pearl and High Sts.

Windsor County

Bethel, *Bethel Village Historic District*, along both sides Main and Church Sts.
Bridgewater, *Bridgewater Woolen Mill*, U.S. 4.
Royalton, *South Royalton Historic Dist.*, Along Chelsea, Windsor, Railroad, and Safford Sts. and around the village Park.

WYOMING

Albany County

Centennial vic., *Libby Lodge, Snowy Range Lodge*, NE-¼ SE-¼ Section 29, T16N, R78W.

Big Horn County

Basin, *Basin Republican-Rustler Printing Building*, 409 W. C St.

Johnson County

Buffalo vic., *Fort McKinney*, 2 mi. W of Buffalo.

Laramie County

Cheyenne, *Nagle Mansion, Warren Mansion, and Grounds*, 222 East 17th St.

Lincoln County

Kemmerer, *J. C. Penney Home*, center of Railroad Park.

Natrona County

Casper, *Fort Caspar*, 13 Caspar R.

Sheridan County

Big Horn vic., *Quarter Circle A Ranch*, 2 mi. SW of the town of Big Horn.

Weston County

Newcastle vic., *Cambria Casino-Park Memorial*, NW¼ Section 21, T46N, R61W.

[FR Doc.76-15195 Filed 5-24-76;8:45 am]

PICTURED ROCKS NATIONAL LAKESHORE ADVISORY COMMISSION

Meeting

Notice is hereby given in accordance with Public Law 92-463 that a meeting of the Pictured Rocks National Lakeshore Advisory Commission will be held June 18, 1976 at 1:00 p.m. (e.d.t.) in headquarters building of Pictured Rocks National Lakeshore, Sand Point, Munising, Michigan. The Commission was established by Public Law 89-668 to meet and consult with the Secretary of the Interior on general policies and specific matters related to the administration and development of the Pictured Rocks National Lakeshore.

Members of the Commission are:

Mr. Edward N. Locke (Chairman)
Mr. Leo Gariepy (Vice Chairman)
Mr. Glenn C. Gregg
Mr. David C. West
Mr. James Becker

Matters to be discussed at the meeting include:

1. Management objectives for Pictured Rocks National Lakeshore.
2. Emergency plans for the Lakeshore.
3. Park operations for the coming summer.

The Commission will tour the Miners Castle construction area at the conclusion of the meeting.

The meeting is open to the public. It is expected that 25 persons will be able to attend the session in addition to the Commission members. Interested persons may file written statements with the official listed below prior to the meeting.

Further information concerning this meeting may be obtained from Robert L. Burns, Superintendent, Pictured Rocks National Lakeshore, P.O. Box 40, Munising, Michigan 49862, telephone (906) 387-2607. Minutes of the meeting will be available for public inspection two weeks after the meeting at Pictured Rocks National Lakeshore headquarters at Sand Point, four miles east of Munising, Michigan.

Dated: May 12, 1976.

MERRILL D. BEAL,
Regional Director,
Midwest Region.

[FR Doc.76-15196 Filed 5-24-76;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

FLUE-CURED TOBACCO ADVISORY COMMITTEE

Meeting

The Flue-Cured Tobacco Advisory Committee will meet at 1 p.m., on Thursday, June 17, 1976, in the Tobacco Division, Agricultural Marketing Service, United States Department of Agriculture, laboratory, Room 223 Flue-Cured Tobacco Cooperative Stabilization Corporation, 1304 Annapolis Drive, Raleigh, North Carolina 27605.

The purpose of the meeting is to discuss marketing area opening dates and selling schedules for the flue-cured tobacco to be sold in each marketing area for the 1976 season. Also, matters, as specified in 7 CFR Part 29, Subpart G, § 29.9404 will be discussed.

The meeting is open to the public but space and facilities are limited. Public participation will be limited to written statements submitted before or at the meeting unless their participation is otherwise requested by the Committee Chairman. Persons, other than members,

who wish to address the Committee at the meeting should contact Mr. J. W. York, Director, Tobacco Division, Agricultural Marketing Service, 300 12th Street, S.W., Washington, D.C. 20250 (202) 447-2567.

Dated: May 20, 1976.

DONALD E. WILKINSON,
Administrator.

[FR Doc.76-15247 Filed 5-24-76;8:45 am]

Animal and Plant Health Inspection Service

FLEMING KEY ANIMAL IMPORT CENTER, KEY WEST, FLORIDA

Availability of Final Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Animal and Plant Health Inspection Service, Department of Agriculture, has prepared a final environmental statement for the proposed Fleming Key Animal Import Center, Key West, Florida, USDA-APHIS-ADM-75-2-F.

This final statement was transmitted to the Council on Environmental Quality on April 27, 1976.

Copies of this statement are available for inspection during regular working hours at the following locations:

USDA, APHIS, ASD, Architectural Engineering Branch, Room 713, Federal Building, 6505 Belcrest Road, Hyattsville, Maryland 20782.
Monroe County Public Library, 700 Fleming Street, Key West, Florida 33040.
USDA, APHIS, Veterinary Services, 5255 NW. 87th Avenue, Suite 110, Koger Executive Center, Miami Springs, Florida 33166.

A limited number of single copies are available, upon request, from the Architectural Engineering Branch, Administrative Services Division, Animal and Plant Health Inspection Service, United States Department of Agriculture, Room 713, Federal Building, 6505 Belcrest Road, Hyattsville, Maryland 20782.

Copies of the environmental statement have been sent to various Federal, State, and local agencies in accordance with the Council on Environmental Quality Guidelines.

Dated: May 19, 1976.

HARRY C. MUSSMAN,
Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc.76-15140 Filed 5-24-76;8:45 am]

VETERINARY BIOLOGICS LABORATORY, AMES, IOWA

Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Animal and Plant Health Inspection Service, Department of Agriculture, has prepared a final environmental statement for the proposed Veterinary Biologics Laboratory, Ames, Iowa, USDA-APHIS-ADM-75-1-F.

This final environmental statement was transmitted to the Council on Environmental Quality on April 9, 1976.

Copies are available for inspection during regular working hours at the following locations:

USDA, APHIS, ASD, Architectural Engineering Branch, Room 713, Federal Building, 6505 Belcrest Road, Hyattsville, Maryland 20782.
USDA, APHIS, Veterinary Services, R.R. 2, Dayton Avenue, Ames, Iowa 50010.
USDA, APHIS, Veterinary Services, 210 Walnut Street, Room 877, Federal Building, Des Moines, Iowa 50309.

A limited number of single copies are available upon request to Architectural Engineering Branch, Administrative Services Division, Animal and Plant Health Inspection Service, United States Department of Agriculture, Room 713, Federal Building, 6505 Belcrest Road, Hyattsville, Maryland 20782.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the Council on Environmental Quality Guidelines.

Dated: May 18, 1976.

HARRY C. MUSSMAN,
Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc.15182 Filed 5-24-76;8:45 am]

Forest Service

CENTRAL NEVADA PLANNING UNIT

Notice of Availability of Final Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for the Central Nevada Planning Unit, Toiyabe National Forest, Nevada. The Forest Service report number is USDA-FS-FES (Adm) R4-75-16.

The environmental statement identifies and evaluates the probable effects of land uses for the planning unit, evaluates possible alternative courses of action, and provides a summary record of public participation in development of the land use plan. The purpose of the land use plan is to allocate National Forest lands and resources to specific uses and activities; establish management objectives: provide a record of management direction and decisions for specific areas and units of land; coordinate management between different resources uses and activities; and establish protective measures and standards to keep adverse environmental effects to a minimum.

This final environmental statement was transmitted to CEQ on May 17, 1976.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Bldg., Room 3230, 12th St. and Independence Ave., S.W., Washington, D.C. 20250.
Regional Planning Office, USDA, Forest Service, USDA, Forest Service, Federal Building, Room 4408, 324-25th Street, Ogden, Utah 84401.
Forest Supervisor, Toiyabe National Forest, 111 North Virginia Street, Room 601, Reno, Nevada 89501.
District Forest Ranger, Austin Ranger District, Austin, Nevada 89310.
District Forest Ranger, Tonopah Ranger District, P.O. Box 939, Tonopah, Nevada 89049.

A limited number of single copies are available upon request to Forest Supervisor John J. Lavin, Toiyabe National Forest, 111 North Virginia Street, Room 601, Reno, Nevada 89501.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ Guidelines.

Dated: May 17, 1976.

GEORGE H. ROBINSON,
Acting Director, Regional Planning and Budget.

[FR Doc.76-15145 Filed 5-24-76;8:45 am]

Soil Conservation Service

THREE-MILE AND SULFUR DRAW WATERSHED PROJECT, TEXAS

Availability of Final Environmental Impact Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; Part 1500 of the Council on Environmental Quality Guidelines (38 FR 20550, August 1, 1973); and Part 650 of the Soil Conservation Service Guidelines (39 FR 19650, June 3, 1974); the Soil Conservation Service, U.S. Department of Agriculture, has prepared a final environmental impact statement (EIS) for the Three-Mile and Sulfur Draw Watershed Project, Culberson and Hudspeth Counties, Texas USDA-SCS-EIS-WS-(ADM)-75-4-(F)-TX.

The EIS concerns a plan for watershed protection and flood prevention. The planned works of improvement include conservation land treatment, supplemented by two single purpose floodwater retarding structures and 10.4 miles of floodwater diversion.

A limited supply of copies is available at the following location to fill single copy requests:

Soil Conservation Service, USDA, 16-20 South Main Street, P.O. Box 648, Temple, Texas 76501.

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

Dated: May 11, 1976.

JOSEPH W. HAAS,
Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc.76-15209 Filed 5-24-76;8:45 am]

CYPRESS CREEK WATERSHED PROJECT, ALABAMA AND TENNESSEE

Availability of Final Environmental Impact Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; Part 1500 of the Council on Environmental Quality Guidelines (38 FR 20550, August 1, 1973); and Part 650 of the Soil Conservation Service Guidelines (39 FR 19650, June 3, 1974); the Soil Conservation Service, U.S. Department of Agriculture, has prepared a final environmental impact statement (EIS) for the Cypress Creek Watershed project, Lauderdale County, Alabama, and Wayne County, Tennessee, USDA-SCS-EIS-WS-(ADM)-75-2(F)-AL.

The environmental impact statement concerns a plan for watershed protection and flood prevention. The planned works of improvement include conservation land treatment, supplemented by 19 floodwater retarding structures and 14.4 miles of channel work. The channel work will involve bedload removal on about 6.3 miles of existing channels, clearing and shaping on about 7.5 miles of existing channels, and 0.6 mile of new channel excavation. The channel work proposed will be on perennial streams except the new channel which will be a realignment of existing channels.

The final EIS has been filed with the Council on Environmental Quality.

A limited supply is available at the following location to fill single copy requests:

Soil Conservation Service, USDA, 138 South Gay Street, Auburn, Alabama 36830.

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

Dated: May 11, 1976.

JOSEPH W. HAAS,
Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc.76-15224 Filed 5-24-76;8:45 am]

PEMBROKE AREA FLOOD PREVENTION AND DRAINAGE RESOURCE CONSERVATION & DEVELOPMENT (RC&D) MEASURE, GEORGIA

Availability of Negative Declaration

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; part 1500.6(e) of the Council on Environmental Quality Guidelines (38 FR 20550) August 1, 1973; and part 650.8 (b)(3) of the Soil Conservation Service Guidelines (39 FR 19651) June 3, 1974; the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Pembroke Area Flood Prevention and Drainage Measure, Bryan County, Georgia.

The environmental assessment of this federal action indicates that the measure will not create significant adverse local, regional, or national impacts on the environment and that no significant controversy is associated with the measure. As a result of these findings, Mr. Dwight M. Treadway, State Conservationist, Soil Conservation Service, USDA, 206 Federal Building, 355 East Hancock Avenue, Athens, Georgia 30601, has determined that the preparation and review of an environmental impact statement is not needed for this measure.

The measure consists of a plan for watershed protection on 1,710 acres. The planned works of improvement include conservation land treatment and 2.8 miles of multiple-purpose channels for flood prevention. All but 900 feet of the channel work will be in areas in which flow is ephemeral and where no, or practically no, defined channel exists. The 900 feet will be enlargement of a man-made channel in which flow is intermittent.

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

Soil Conservation Service, USDA, Federal Building, 355 East Hancock Avenue, Athens, Georgia 30601.

The negative declaration is available for single copy requests at the above location.

No administrative action on implementation of the proposal will be taken until June 9, 1976.

(Catalog of Federal Domestic Assistance Program No. 10.901, National Archives Reference Services.)

Dated: May 5, 1976.

VICTOR H. BARRY, Jr.,
Deputy Administrator for Field Services Soil Conservation Service.

[FR Doc.76-15146 Filed 5-24-76;8:45 am]

DEPARTMENT OF COMMERCE

Maritime Administration

CITIBANK, N. A.

Change of Name of Approved Trustee

Notice is hereby given that effective March 1, 1976, the First National City Bank, New York, New York changed its name to Citibank, N. A.

Dated: May 20, 1976.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.76-15252 Filed 5-24-76;8:45 am]

COMMERCIAL DEVELOPMENT OF THE OCEANS CONFERENCE

Revised Notice of Meeting

In F.R. Doc. 76-13410, appearing in the FEDERAL REGISTER on May 6, 1976 (41 FR 18696), Notice was published of a conference on commercial development of the oceans to be held June 9 to June 12, 1976 and to be sponsored by the Maritime Administration and the National Oceanic and Atmospheric Administration within the Department of Commerce in cooperation with the Energy Research and Development Administration and the Department of the Interior. It was announced that the first day of the conference was to be in the Department of Commerce Auditorium and the last three days at Airlie House, Airlie, Virginia.

Said notice is hereby revised to clarify that the conference will be open to the public. The purpose of the conference will be to discuss the technology that will be needed in the coming days to properly develop the oceans resources. The areas being considered are: Oil and Gas, Hard Minerals, Living Resources, Ocean Siting, and Municipal Services.

Any person interested in attending the conference, and any person desiring further information regarding the meeting should contact John J. Roche in Room 4884 of the Office of Market Development, Maritime Administration, Department of Commerce, 14th and E Streets, N.W., Washington, D.C. 20230, telephone number 202-377-4113.

Dated: May 19, 1976.

So ordered by the Assistant Secretary of Commerce for Maritime Affairs/ Maritime Administration.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.76-15253 Filed 5-24-76;8:45 am]

Office of the Secretary

PROPOSED VOLUNTARY CONSUMER PRODUCT INFORMATION LABELING PROGRAM

Operation and Procedures

In his confirmation hearings, Secretary of Commerce Richardson made the following statements on the subject of consumer information:

> I strongly favor the provision of consumer product testing information to consumers in those product lines where inadequate information exists. I intend to pursue the development of voluntary programs in which industry works with Government to make meaningful performance information available to the marketplace.

This notice announces the intention of the Department of Commerce 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 public hearings described later in this notice. The purpose of the program would be to facilitate consumer purchasing decisions by making available at the point of sale comparative information on key product performance characteristics and to provide manufacturers an opportunity to convey to the public the particular advantages of their products. To operate and carry out this Program, there are set out at the conclusion of this notice proposed procedures.

Presidents Kennedy, Johnson, Nixon, and Ford have affirmed that consumers have a basic right to be kept informed. In a Presidential Consumer Message in 1969, it was stated:

No matter how alert and resourceful a purchaser may be, he is relatively helpless unless he has adequate, trustworthy information about the product he is considering and knows what to make of that information. The fullest product description is useless if a consumer lacks the understanding or the will to utilize it.

In the same vein, the National Business Council for Consumer Affairs, in a 1973 report, made the following recommendation:

Wherever appropriate, manufacturers should promote the development of mechanisms for providing consumers with performance information on consumer durables.

The Council was also of the view that government agencies could help in assuring that appropriate product characteristics are chosen and measured in a manner that would be fair and equitable to manufacturers and consumers.

U.S. consumers today are unable in many cases to make rational and accurate marketplace decisions because of lack of comparative, easily comprehensible information at the point of sale on important product performance characteristics, including durability, capacity, and efficiency. This lack of information often results in consumer purchases being made on a trial-and-error basis or on the basis of unsubstantiated performance claims, with consequent consumer financial loss, dissatisfaction, and inconvenience.

At least eight European countries—Denmark, Finland, Norway, Sweden, France, West Germany, Netherlands, and Switzerland—are operating voluntary national information labeling programs that provide consumers with the type of information discussed above. These programs have four features in common:

1. Manufacturer participation is on a voluntary basis;
2. The programs report levels of performance but do not set minimum levels;
3. The programs deal principally with measurable performance characteristics; and
4. The programs utilize fixed labeling formats that present information to consumers in simplified form.

Three examples from these programs are set out in Appendix A to this notice.

Public Comments Requested

Comments are requested on this proposed Program, the proposed procedures at the end of this notice, and on the following areas of inquiry.

1. *Beneficial or adverse impacts on product cost, quality or availability.* What effects, either beneficial or adverse, could the Program be expected to have on the cost, quality or availability of consumer products? What effect is it likely to have on consumers, retailers, manufacturers, producers or the economy in general? What studies are now available that indicate the probable effects of such programs?

2. *Product selection criteria and process.* How should products that will be covered by the Program be selected? What should be the selection criteria? Would it be desirable to establish a product selection committee(s)? If so, what criteria should be utilized to select the membership?

3. *Information label deisgns.* How should the effectiveness of label designs pertaining to specific product categories be evaluated? How much field testing would be necessary to determine the nature of public reaction to the labels? Could proposed label designs be effectively tested using Consumer Sounding Boards or similar consumer groups in lieu of field testing?

4. *Consumer education approaches.* What is the best way to make the public aware of this Program? Would it be feasible for the Department to cooperate in some way with the advertising departments or agencies of participating manufacturers and producers to enhance the total impact of the Program?

5. *Benefits to manufacturers.* What would be the principal advantages of this Program to manufacturers? Would a better understanding by consumers of the performance characteristics of manufacturers' products result in a reduction in the return rate of such products and in a decrease in the number of consumer complaints? Would the operation of this Program improve the ability of manufacturers to structure their model mix to meet consumer needs and desires?

6. *Methods of establishing fees to help defray program costs.* On what basis should equitable and reasonabe fees be established? Would a fixed fee covering one product category discriminate against smaller manufacturers or producers who might wish to participate in the Program? Would a fee on a per unit basis as provided in the proposed procedures be administratively burdensome or constitute an unwarranted invasion of proprietary data?

7. *Monitoring and certification procedures.* How and to what extent should the Department monitor the Program? Would manufacturer and producer self-certification, or industry certification, be effective as an aid in the monitoring of this Program?

The Department also encourages the submission of any other proposals or suggestions that might better carry out a voluntary program to assist consumers in making accurate purchase decisions by providing meaningful point-of-sale information on key product performance characteristics.

Written comments should be submitted in four copies to the Assistant Secretary for Science and Technology, Room 3862, U.S. Department of Commerce, Washington, D.C. 20230, on or before (45 days from the date this notice is published). Oral comments may be made at informal hearings open to the public, in accordance with the following schedule and procedures.

Informal Hearings

The Department will hold three informal hearings on the proposed Program. The first hearing will be held on Wednesday, June 23, 1976, at 10 a.m. Pacific Daylight Saving Time in Los Angeles, California. The second hearing will be held on Tuesday, June 29, 1976, at 10 a.m. Central Daylight Saving Time in Chicago, Illinois. The third hearing will be held on Wednesday, June 30, 1976, at 10 a.m. Eastern Daylight Saving Time in the Auditorium of the Department of Commerce, Main Commerce Building, 14th Street between E Street and Constitution Avenue, N.W., Washington, D.C.

Meeting places for the hearings in Los Angeles and Chicago have not been finalized. However, the precise meeting place in those two cities will appear in the FEDERAL REGISTER on Wednesday, June 2, 1976, which will be three weeks before the first of the scheduled hearings is held. Anyone who misses the June 2, 1976 notice and wishes information on the precise meeting place for any of the scheduled hearings 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 on or after June 2, 1976.

Persons desiring to testify at these hearings should notify the Assistant Secretary for Science and Technology, Room 3862, U.S. Department of Commerce, Washington, D.C. 20230, as promptly as possible, and not later than 48 hours prior to the date of the hearing at which they will testify. Persons desiring to testify should also submit to the Assistant Secretary for Science and Technology four copies of their statement, not later than 48 hours prior to the start of the hearing at which they will testify.

The following procedures are established for the informal hearings:

1. *Purpose.* The purpose of the informal hearings is to provide all interested segments of the public with the opportunity to comment on whether the Department should initiate a voluntary consumer product information labeling program.

2. *Conduct of hearings.* (a) These hearings shall be informal, non-adversary proceedings at which there will be no formal pleadings or adverse parties. Witnesses may submit written presentations for the record.

(b) The presiding officer shall have the right to apportion in an equitable manner the time available for making presentations, and to terminate or shorten the presentation of any witnesses when, in his or her opinion, such presentation is repetitive or not relevant to the purpose of the hearings.

(c) The presiding officer and other Department representatives shall have the right to question witnesses on their testimony and other matters relating to the proposed Program.

(d) The presiding officer has the right to exercise authority necessary for the equitable and efficient conduct of the hearings and to maintain order.

3. *General provisions.* (a) These informal hearings shall be open to the members of the public whether or not such members wish to testify at the hearings.

(b) A transcript will be made of the informal hearings.

(c) Copies of the transcript and all materials presented by the witnesses at the hearings as well as all written comemnts received shall be available for inspection and copying in the Central Reference and Records Inspection Facility, Room 7068, Main Commerce Building, 14th Street between E Street and Constitution Avenue, N.W., Washington, D.C. 20230.

Issued: May 19, 1976.

BETSY ANCKER-JOHNSON,
Assistant Secretary for Science and Technology.

PROPOSED PROCEDURES

PROCEDURES FOR A VOLUNTARY CONSUMER PRODUCT INFORMATION LABELING PROGRAM

1. *Purpose.* The purpose of this part is to establish procedures under which a national voluntary consumer information labeling program administered by the Department of Commerce will function.

2. *Description and Goal of Program.* (a) The Department's Voluntary Consumer Product Information Labeling Program would make available to consumers, at the point of sale, information on consumer product performance in an understandable and useful form. It would also educate consumers, distributors, and retailers in the use of the product performance information displayed and would provide manufacturers with an opportunity to convey to the public the particular advantages of their products. These objectives would be accomplished by:

(i) Selecting or developing standardized test methods by which selected product performance characteristics could be measured;

(ii) Developing labeling methods by which information concerning product performance could be transmitted in useful form to consumers at the point of sale;

(iii) Encouraging manufacturers to voluntarily test and label their products according to the selected or developed methods; and

(iv) Encouraging consumers through various informational and educational programs to utilize the product performance information provided.

(b) The Program would involve voluntary labeling by licensed participants of selected categories of consumer products with information concerning selected performance characteristics of those products. The performance characteristics selected would be only those that are of demonstrable importance to consumers, that consumers cannot evaluate through mere inspection of the product, and that can be measured objectively and reported understandably to consumers. The consumer products covered would be those for which incorrect purchase decisions can result in substantial financial loss, dissatisfaction, or inconvenience. This Program shall seek to avoid the duplication of other Federal programs under which performance characteristics are labeled by exempting those performance characteristics from this Program.

(c) For selected categories of consumer products, the Program would include advertising guidelines covering situations where quantitative performance values are stated in advertising or where qualitative comparisons are made of the performance of different products.

3. *Definitions.* (a) The term "Secretary" means the Secretary of Commerce or his designee.

(b) The term "consumer" means the first person who purchases a consumer product for purposes other than resale.

(c) The term "manufacturer" means any person engaged in the manufacturing or assembling of consumer products or in the importing of such products for resale. The term also includes private brand labelers.

(d) The term "consumer product" means any article produced or distributed for sale to a consumer for the use, consumption, or enjoyment of such consumer.

(e) The term "person" means an individual; a manufacturer; distributor; retailer; importer; government agencies at the Federal, State and local level; consumer organizations; industry and trade associations; standards writing bodies; professional societies; or any other group or organization of industries, companies, or individuals.

(f) The term "consumer product performance" means those characteristics of a consumer product such as durability, capacity, composition, color-fastness, and strength that are often difficult or impossible for consumers to evaluate or ascertain without actually buying and using the product under consideration.

4. *Finding of Need to Establish a Specification for Labeling a Consumer Product.* (a) Any person may request the Secretary to find that there is a need to label a particular consumer product with information concerning one or more specific performance characteristics of that product.

(b) Such a request shall be in writing and will, as a minimum, include the following information:

(1) Identification of the consumer product;

(2) Extent that the product identified in subparagraph (1) above is used by the public and, if known, what the production or sales volume is of such product;

(3) Nature and extent of difficulty experienced by consumers in making informed purchase decisions because of a lack of knowledge regarding the performance characteristics of the identified consumer product;

(4) Potential or actual loss to consumers as a result of an incorrect decision based on an inadequate understanding of the performance characteristics of the identified consumer product;

(5) Extent of incidence of consumer complaints arising from or reasonably traceable to lack of knowledge regarding the performance characteristics of the identified consumer product;

(6) If known, whether there currently exists test methods which could be used to test the performance characteristics of the identified consumer product and an identification of those test methods; and

(7) Reasons why it is felt, in cases where existing test methods are identified in responding to subparagraph (6) above, that such test methods are suitable for making objective measurements of the performance characteristics of the identified consumer product.

(c) The Secretary may ask for more information to support a request made under paragraph (a) of this section if he feels it is necessary to do so or, if he deems it to be in the public interest, may develop such information himself. If the Secretary determines that there is no need to establish a specification for labeling the requested consumer product performance characteristics, or because of a lack of resources, he will decline to act further on the request. The Secretary shall act expeditiously on all requests and shall notify the requester of his decision in writing. In those instances where the Secretary declines a request, he shall state the reasons for so declining.

(d) If the Secretary finds that a need exists to establish a specification for labeling a consumer product that would identify one or more performance characteristics of the consumer product identified in paragraph (b) of this section, he shall publish a notice in the FEDERAL REGISTER indicating that such finding is a preliminary finding. The notice shall include a statement as to the basis for the Secretary's finding and shall provide at least a thirty (30) day period for the submission of written comments thereon by interested persons. In the event that a public hearing or hearings are held on this preliminary finding as authorized under paragraph (e) of this section, the period allowed for the submission of written comments shall be extended to the date on which such hearing or hearings are held.

(e) Interested persons wanting to express their views regarding the Secretary's preliminary finding of need in an informal hearing shall notify the Secretary of that desire within fifteen (15) days after the notice is published in the FEDERAL REGISTER. Upon receipt by the Secretary of such request, informal public hearings shall be held so as to give all interested persons an opportunity for the oral presentation of data, views, or arguments, in addition to the opportunity to make written submissions. If deemed appropriate by the Secretary, such hearings may be held at several locations within the United States. Notice of such hearings shall be published in the FEDERAL REGISTER at least twenty (20) days in advance thereof. A transcript shall be kept of any oral presentations.

(f) All written and oral comments will be filed in the Central Reference and Records Inspection Facility, Room 7068, Commerce Building, 14th Street between E Street and Constitution Avenue, N.W., Washington, D.C. 20230, and will be available for public inspection and copying at that location.

(g) After evaluating the comments reing of need or withdrawing his preliminary ceived, the Secretary shall publish a notice in the FEDERAL REGISTER making a final findfinding of need made under paragraph (d) of this section. The notice shall state the basis for the Secretary's final finding of need or for the withdrawal of his preliminary finding.

(h) The Secretary may make a preliminary finding of need to establish a specification for labeling a consumer product with information concerning one or more performance characteristics of that product when such action is deemed by him to be in the public interest, notwithstanding the absence of a request from an outside source. The procedural requirements set out in paragraphs (d), (e), (f) and (g) of this section are applicable to the preliminary finding of need

made by the Secretary under this paragraph.

5. *Development of Performance Information Labeling Specifications.* (a) If the Secretary makes a final finding of need pursuant to section 4 above, he will then proceed to develop a performance information labeling Specification. Each Specification shall as a minimum include:

(1) A description of the performance characteristics of the consumer product covered;

(2) The test methods to be used in measuring the performance characteristics. The test methods shall be methods described in existing nationally-recognized voluntary standards (preferably ANSI standards) where such methods are appropriate. Where appropriate test methods do not exist, they will be developed by the Department of Commerce in cooperation with interested parties;

(3) A prototype label and directions for displaying the label on or with the consumer product concerned; and

(4) Conditions of participation by manufacturers.

(b) The Secretary upon development of a proposed Specification shall publish in the FEDERAL REGISTER a notice giving the complete text of the proposed Specification, and any other pertinent information, and inviting any interested person to submit written comments on the proposed Specification within 45 days after its publication in the FEDERAL REGISTER, unless another time limit is provided by the Secretary. Interested persons wanting to express their views in an informal hearing may do so if, on or before June 9, 1976, they request the Secretary to hold a hearing. Such informal hearings shall be held so as to give all interested persons an opportunity for the oral presentation of data, views, or arguments in addition to the opportunity to make written submissions. Notice of such hearings shall be published in the FEDERAL REGISTER. A transcript shall be kept of any oral presentations.

(c) The Secretary, after consideration of all written and oral comments and other materials received in accordance with paragraph (b) of this section, shall publish in the FEDERAL REGISTER within 30 days after the final date for receipt of comments, or as soon as practicable thereafter, a notice either:

(1) Giving the complete text of a final Specification, including conditions of use, and stating that any manufacturer of consumer products desiring voluntarily to use the Department of Commerce Mark developed under section 9 of these Procedures must advise the Department of Commerce; or

(2) Stating that the proposed Specification will be further developed before final publication; or

(3) Withdrawing the proposed Specification from further consideration.

6. *Establishment of Fees and Charges.* (a) The Secretary in conjunction with the use of the Working Capital Fund of the National Bureau of Standards, as authorized under section 12 of the Act of March 3, 1901, as amended (15 U.S.C. 278b), for this Program, shall establish fees and charges for use of the Department of Commerce Label and Mark on each product. The fees and charges established by the Secretary, which may be revised by him when he deems it appropriate to do so, shall be in amounts calculated to maximize the self-sufficiency of the operation of this Program. A separate notice will be published in the FEDERAL REGISTER simultaneously with the notice of each proposed Specification referred to in section 5(b). Such notice will set out a schedule of estimated fees and charges the Secretary proposes to establish. The notice would be furnished for informational and guidance purposes only in order that the public may evaluate the proposed Specification in light of the expected fees to be charged.

(b) At such time as the Secretary publishes the notice announcing the final Specification referred to in section 5(c)(1), he shall simultaneously publish a separate notice in the FEDERAL REGISTER setting forth the final schedule of fees that will be charged participating manufacturers. The effective date of such final schedule of fees shall be the same as the date on which the final Specification takes effect.

(c) Revisions, if any, to the fees and charges established by the Secretary under paragraph (b) of this section shall be published in subsequent FEDERAL REGISTER notices and shall take effect on or before June 24, 1976.

7. *Participation of Manufacturers.* (a) Manufacturers desiring to participate in this program will so notify the Secretary. The notification will identify the particular Specification to be used and the manufacturer's identification and model numbers for the products to be labeled. The notification will also state that the manufacturer will abide by all conditions contained in the Specification, agrees to pay the fees and charges established by the Secretary, and will desist from using the Department of Commerce Label and Mark if requested by the Secretary under the provisions of section 8.

(b) The conditions for participation will be set out in the Specification and will include, but not be limited to, the following:

(1) Prior to the use of a Label the manufacturer will make or have made the measurements to obtain the information required for inclusion on the Label and, if requested, will forward within 30 days such measurement data to the Secretary. Such measurement data will be kept on file by the manufacturer or his agent for two years after that product is no longer manufactured unless otherwise provided in the Specification.

(2) The manufacturer will describe the test results on the Label as prescribed in the Specification.

(3) The manufacturer will display or arrange to display, in accordance with the appropriate Specification, the Label on or with each individual product of the type covered except for units exported from the U.S. Manufacturers who utilize more than one brand name may participate by labeling some or all of the brand names. All models with the same brand name must be included in the Program unless they are for export only.

(4) The manufacturer agrees at his expense to comply with any reasonable request of the Secretary to have products manufactured by him tested to determine that testing has been done according to the relevant Specification.

(5) Manufacturers may reproduce the Department of Commerce Label and Mark in advertising provided that the entire Label, complete with all information required to be displayed at the point of retail sale, is shown legibly.

8. *Termination of Participation.* (a) The Secretary upon finding that a manufacturer is not complying with the conditions of participation set out in these Procedures or in a Specification may terminate upon 30 days notice the manufacturer's participation in the Program: Provided, that the manufacturer shall first be given an opportunity to show cause why the participation should not be terminated. Upon receipt of a notice of termination, a manufacturer may request within 30 days a hearing under the provisions of 5 U.S.C. 558.

(b) A manufacturer may at any time terminate his participation and responsibilities under this Program with regard to a specific type of product by giving written notice to the Secretary that he has discontinued use of the Department of Commerce Label and Mark for all consumer products of the type involved.

9. *The Department of Commerce Mark.* The Department of Commerce shall develop a Mark which shall be registered in the U.S. Patent and Trademark Office under 15 U.S.C. 1054 for use on each Label described in a Specification.

10. *Amendment or Revision of a Performance Information Labeling Specification.* The Secretary may by order amend or revise any Specification published under section 5. The Procedure applicable to the establishment of a Specification under section 5 shall be followed in amending or revising such Specification. Such amendment or revision shall not apply to consumer products manufactured prior to the effective date of the amendment or revision.

11. *Consumer Education.* The Secretary, in close cooperation and coordination with interested Government agencies, appropriate industry trade associations and industry members, organizations, and other interested persons shall carry out a program to educate consumers relative to the significance of the labeling program. Some elements of this Program shall also be directed toward informing retailers and other interested groups about the Program.

12. *Coordination with State and Local Programs.* The Secretary will establish and maintain an active program of communication with appropriate State and local government offices and agencies and will furnish and make available information and assistance that will promote uniformity in State, local and Federal programs for the labeling of performance characteristics of consumer products.

13. *Annual Report.* The Secretary will prepare an annual report of activities under the Program, including an evaluation of the Program and a list of participating manufacturers and types of consumer products.

AUTHORITY: Sec. 2, 31 Stat. 1449, as amended, sec. 1, 64 Stat. 371; (15 USC 272), Reorganization Plan No. 3 of 1946, Part VI.

APPENDIX A
Examples of European Labels

VDN SPECIFICATIONS

Capacity: 9-10 deciliters

Temperature - retaining properties: If jug is kept closed

	after 6 hours	after 17 hours
boiling liquid (100°C)	at least 80°C	at least 70°C
cold liquid (6°C)	not more than 8°C	not more than 9°C

Figures assume that jug is full and is kept in ordinary room temperature (20°C). If the jug is only half full, the change in temperature will take place more rapidly as it also will if there is a still greater difference between the temperature of the content and that of the surrounding air.

Durability of the glass container: Rating for resistance against knocks against the casing: 3 (Scale is 1 to 5, where 5 represents the greatest strength). Will not crack if boiling hot liquid is poured in without previous warming up.

Tightness: Joint between the glass container and the casing is tight. Jug will not leak

Materials: Container: Glass
Casing: SAN-plastic. Withstands temperatures of -40°C to + 90°C.

Stopper: Precious wood with expanding rubber seal.

Care: See attached folder

MANUFACTURER

Care: Handle With Care. Since glass may explode, keep face away from opening.

VDN VARU FAKTA

Rymd: 9—10 dl.

Isoleringsförmåga: Vid förvaring i sluten kanna är

	efter 6 tim	efter 12 tim
kokhet dryck (100°C)	minst 80°C	minst 70°C
kall dryck (6°C)	högst 6°C	högst 8°C

Detta gäller om kannan är helt fylld och förvaras i vanlig rumstemperatur (20°C). För halvfylld kanna ändras dryckens temperatur fortare. Ju större skillnaden är mellan dryckens och omgivningens temperatur, desto fortare ändras dryckens temperatur.

Glasets hållbarhet: Vid stötar och slag mot ytterhöljet: 3.
(Skala 1—5 där 5 innebär högsta mekaniska hållbarhet).
Kokhet dryck kan hällas i det ej föruppvärmda glaset utan att detta spricker.

Täthet: Skarven mellan glas och ytterhölje är tät. Termosen läcker ej.

Material: Ytterhöljet — plast (SAN) tål +90° och —40°C. Innerflaska — glas. Handtag av ädelträ. Förslutning — expanderkork av ädelträ med gummipackning.

Skötsel: Se nedanstående anvisningar.

AB Husqvarna Borstfabrik 5002:3

Skötsel
Kannan måste behandlas varsamt. Föremål av glas kan explodera. Man bör därför ej luta sig med ansiktet över kannan.
Anvisningar i övrigt: se bifogad folder.

Figure 1: Typical Label used in the Swedish Institute for Informative Labeling (VDN) Program.

RAL CERTIFICATION
from test of sample
Vacuum Cleaner
RAL-AGT 3S

Floor Vacuum Cleaner Make
with suction hose, 2 vacuum pipes, rotating junction/ suction nozzle, upholstery and groove nozzle and filter bag
Nominal voltage, type of current, 220V, Nominal load 450W
Electrical Safety. The equipment carries the test symbol of VDE (Society of German Electrical Engineers)
The following statements are based on DIN 44956:

- Dust and fiber suction (of wool and velours carpets)
  Dust suction:
  low high
  Fiber suction:
  Complete removal of test fibers in seconds
- Capacity for reception in the dust bag through suction action: g test dust
- Limit of reach from electrical outlet to the nozzle: m
- Operating noise
  faint strong
  (A number greater by 10 implies a doubled noise level)
- Suction distance under furniture (17 cm above floor) cm.

RAL + Certificate and Control Number

Heed operating instructions

RAL-TESTAT
nach Musterprüfung
Staubsauger
RAL-AGt 3 S

Bodenstaubsauger, Marke
mit Saugschlauch, 2 Saugrohren, Drehgelenkdüse/Saugdüse, Polster- und Fugendüse und Filtertüte
Nennspannung, Stromart: 220 V~, Nennaufnahme: 450 W

- Elektrische Sicherheit: Das Gerät trägt das VDE-Prüfzeichen

Folgende Angaben sind nach DIN 44956 ermittelt:

- Staub- und Fäden-Aufsaugen (von Woll-Velours-Teppichen)
  Staubaufsaugen:
  gering 10 30 50 70 90 hoch
  Fädenaufsaugen:
  Vollständiges Aufsaugen von Prüffäden in sek.
- Aufnahmevermögen des Staubbeutels durch Saugen: g Prüfstaub
- Reichweite von der Steckdose bis zur Düse: m
- Betriebsgeräusch:
  schwach 60 65 70 75 80 stark
  (Eine um 10 größere Zahl bedeutet verdoppeltes Geräusch)
- Saugreichweite unter Möbeln (bei 17 cm Bodenabstand): cm

RAL-TEL AT Nr. ralkontrolliert
1) 3 SB /
Gebrauchsanleitung beachten!

Figure 2: Typical Label used in the German Committee for Delivery Conditions and Quality Protection (RAL) Program

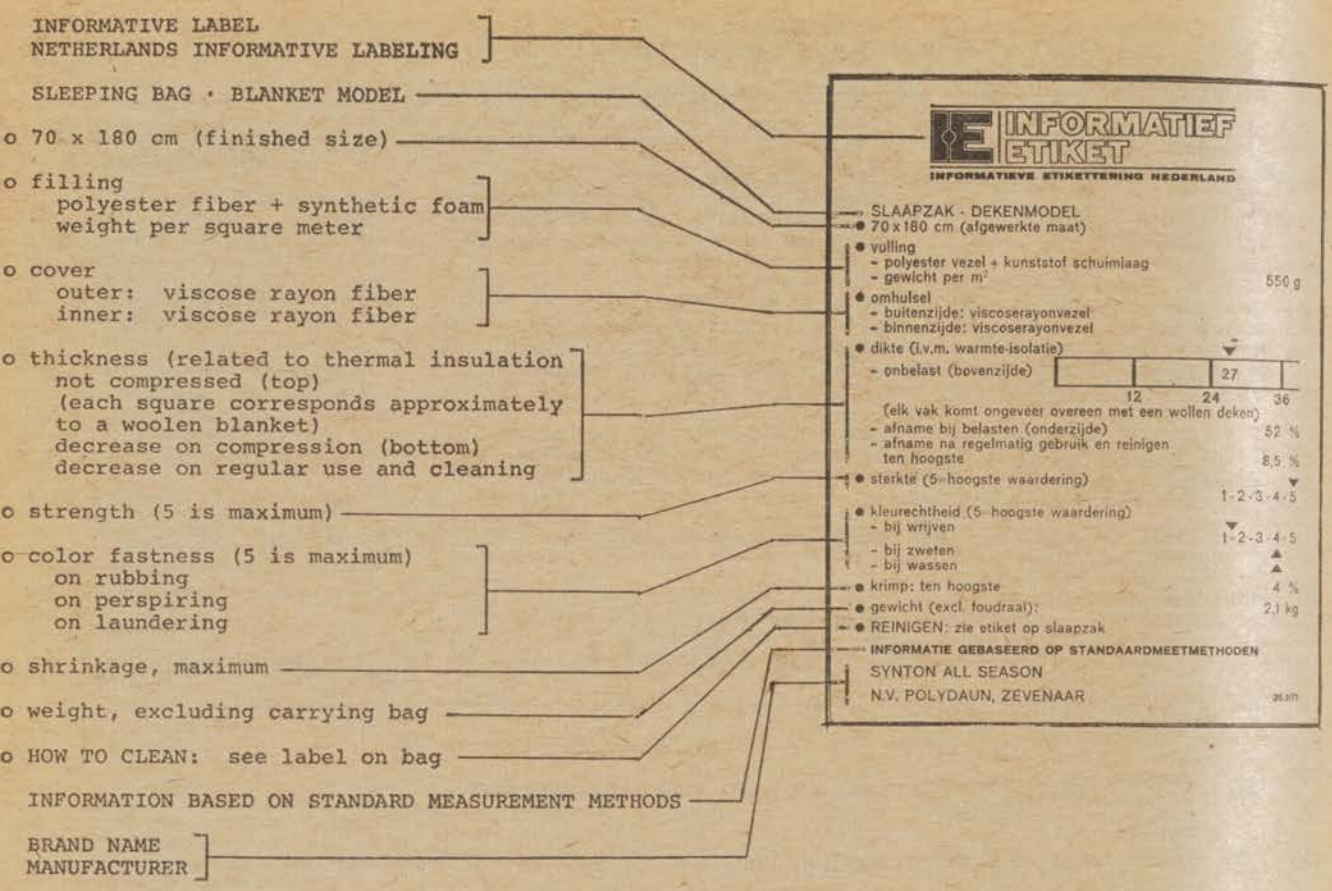

Figure 3: Typical Label used in the Netherlands Informative Labeling (IE) Program

[FR Doc.76-15123 Filed 5-19-76;4:18 pm]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Alcohol, Drug Abuse, and Mental Health Administration

RAPE PREVENTION AND CONTROL ADVISORY COMMITTEE

Notice of Establishment

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (5 U.S.C. Appendix I), the Alcohol, Drug Abuse, and Mental Health Administration announces establishment by the Secretary, Department of Health, Education, and Welfare, on May 7, 1976, of the following advisory committee:

Designation: Rape Prevention and Control Advisory Committee.

Purpose: The Rape Prevention and Control Advisory Committee shall advise the Secretary and the Director, National Institute of Mental Health, on matters regarding the needs and concerns associated with rape in the United States and make recommendations pertaining to activities to be undertaken by the Department to address the problem of rape. The Committee shall advise on the policies, priorities, and activities of the National Center for the Prevention and Control of Rape with regard to: (1) research, demonstration, consultation and education, and information exchange; (2) propose and recommend possible creative use of grants, contracts, demonstration projects, conferences, and other resources available to the Department as effective means for increasing program knowledge concerning the problems of rape and more effective prevention and treatment efforts; (3) develop and sustain communication linkages with individuals, groups, organizations, institutions and communities, and to obtain their views on appropriate research, training, and service programs to deal with the problem of rape; and (4) interpret the needs and concerns of women and others affected by the problem of rape for presentation to the Department.

The charter for this committee is effective through May 7, 1978.

Dated: May 19, 1976.

JAMES D. ISBISTER,
Administrator, Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc.76-15161 Filed 5-24-76;8:45 am]

Office of Education

NATIONAL ADVISORY COUNCIL ON INDIAN EDUCATION

Meeting

Notice is hereby given, pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (P.L. 92-463), that the next meeting of the Full Council of the National Advisory Council on Indian Education will be held June 17, 18, 19, 20, 1976, at the Holiday Inn Southwest, 2580 South Ashland, Green Bay, Wisconsin 54304.

The National Advisory Council on Indian Education is established under Section 442 of the Indian Education Act (P.L. 92-318, Title IV, 20 U.S.C. 1221g). The Council, among other things, is directed to:

(1) Advise the Commissioner of Education with respect to the administration (including the development of regulations and of administrative practices and policies of any program in which Indian children or adults participate, or from which they can benefit, including sections 241aa and 241ff and 887c of this title and with respect to adequate funding thereof;

(2) Review applications for assistance under sections 241aa to 241ff, 887c, and 1211a of this title, and make recommendations to the Commissioner with respect to their approval;

(3) Evaluate programs and projects carried out under any program of the Department of Health, Education, and Welfare in which Indian children or adults can participate, or from which they can benefit, and disseminate the results of such evaluations;

(4) Provide technical assistance to local educational agencies and to Indian educational agencies, institutions, and organizations to assist them in improving the education of Indian children;

(5) Assist the Commissioner in developing criteria and regulations for the administration and evaluation of grants made under section 303(b) of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress); and

(6) To submit to the Congress not later than March 31 of each year a report on its activities, which shall include any recommendations it may deem necessary for the improvement of Federal education programs in which Indian children and adults participate, or from which they can benefit, which report shall include statement of the National Council's recommendations to the Commissioner with respect to the funding of any such programs.

The meeting on June 17, 18, 19, 20, 1976, will be open to the public beginning at 9:00 a.m. and ending at 5:00 p.m. each day. These meetings will be held at the Holiday Inn Southwest.

The proposed agenda includes:

JUNE 17, 1976

(1) Committee Discussions

JUNE 18, 19, 20, 1976

(1) Executive Director's Report
(2) Action on previous meeting minutes
(3) Committee Reports
(4) Special Reports
(5) Review of NACIE policies
(6) Report—Search for Office of Indian Education Deputy Commissioner
(7) Regular Council Business
(8) "Fellowships for Indian Students" Review
(9) Plans for future NACIE activities

Records shall be kept of all Council proceedings and shall be available for public inspection at the Office of the National Advisory Council on Indian Education located at 425 13th Street, N.W., Suite 326, Washington, D.C. 20004.

Signed at Washington, D.C. on May 19, 1976.

LINCOLN C. WHITE,
Executive Director, National Advisory Council on Indian Education.

[FR Doc.76-15220 Filed 5-24-76;8:45 am]

TEACHER CORPS

Meeting

Notice is hereby given pursuant to the authority contained in Part B-1 of the Education Professions Development Act of 1965, as amended (79 Stat. 1255-1258 as amended, 20 U.S.C. 1101-1107a), that the Teacher Corps will hold general orientation meetings for officials from Institutions of Higher Education and State and Local Education Agencies who are interested in submitting preapplications and/or applications for Teacher Corps grants to be awarded for the school year 1977-1978 (to begin July 1, 1977).

A meeting will be held between 9:00 a.m. and 5:00 p.m. on July 26, 1976 at the Hilton Inn, Atlanta Airport, Post Office Box 691, Atlanta, Georgia 30320, phone: 404-767-0281 and repeated between those times on the dates and locations listed:

July 27, 1976. Marriott Twin Bridges Hotel, 333 Jefferson Davis Highway, Arlington, Virginia 20001, phone: 703-628-4200.
July 28, 1976. O'Hare Hilton, O'Hare International Airport, Post Office Box 66414, Chicago, Illinois 60666, phone: 312-686-8000.
July 29, 1976. Stouffers Denver Inn, Denver Airport, 3203 Quebec Street, Denver, Colorado 80207, phone: 303-321-2444.
July 30, 1976. Hilton Inn, San Francisco International Airport, San Francisco, California 94128, phone: 415-589-0770.

The orientation meeting shall be opened to the public. The proposed agenda includes:

1. Review of current Teacher Corps legislative authority.

2. Preapplication and application procedures, including the specifications for the preparation of program and fiscal information.

3. Discussions of the development of demonstrations of training and retraining within the context of Teacher Corps mission and objectives.

4. Description of application review criteria as established under the Office of Education's General Provisions.

The choice of meeting place together with names of officials expected to attend such sessions should be mailed to: Teacher Corps, U.S. Office of Education, Washington, D.C. 20202, Attention: Conference Coordinator.

Dated: May 20, 1976.

WILLIAM SMITH,
Director, Teacher Corps.

[FR Doc.76-15171 Filed 5-24-76;8:45 am]

Office of Human Development

FLORIDA: FISCAL YEAR 1976 STATE PLAN

Notice of Hearing

Notice is hereby given that in accordance with Section 101(b) of Title I of the Rehabilitation Act of 1973, as amended, and 45 CFR § 1361.4 of the Federal Regulations, and the request of the Secretary of the Florida Department of Health and Rehabilitative Services thereunder, the Commissioner, Rehabilitation Services Administration, will hold a hearing to decide whether the Fiscal Year 1976 State plan submitted by the State of Florida under Section 101(a) of the Act conforms to the Federal statutory requirements which pertain to the organizational unit for vocational rehabilitation and its responsibility and authority for the vocational rehabilitation program in the State under Title I of the Act.

Attached is the notice of hearing from the Commissioner to the State of Florida, which

1. States the time and place for the hearing, i.e., July 12, 1976, 9:00 a.m., Room 222, Peachtree Seventh Building, 50 Seventh Street, N.E., Atlanta, Georgia;

2. Sets forth the issues which will be considered;

3. Advises that Mr. Edward L. Boisseree, 602 Ojai Avenue, Sun City Center, Florida has been designated to serve as presiding officer, and Mrs. Betty Hopkins, Room 713, Peachtree Seventh Building, 50 Seventh Street, N.E., Atlanta, Georgia has been designated to serve as the Rehabilitation Services Administration Hearing Clerk;

4. Encloses a copy of the Rules of Practice and Procedures established by the Commissioner for this hearing; and

5. Encloses a Statement of Deficiencies in the Florida State plan for vocational rehabilitation, to which the State is required to file an answer within 20 days of receipt.

Any individual or group wishing to participate in this forthcoming hearing as a party shall file a petition with Mrs. Betty Hopkins, Room 713, Peachtree Seventh Building, 50 Seventh Street, N.E., Atlanta, Georgia 30323 within 15 days after publication of this notice and shall serve a copy on each party of record at that time. Such petition shall state concisely (1) the petitioner's interest in the proceeding; (2) who will appear for the petitioner; (3) the issue on which the petitioner wishes to participate; and (4) whether the petitioner intends to present witnesses.

Individuals or groups may be recognized as parties if the issues to be considered at the hearing will cause or have caused them injury and their interest is within the zone of interests to be protected by the governing Federal statute. The presiding officer shall promptly determine whether each petitioner has the requisite interest in the proceedings and shall permit or deny participation accordingly. Where petitions to participate as parties are made by individuals or groups with common interests, the presiding officer may request that all such petitioners designate a single representative, or he may recognize one or more of such petitioners to represent all such petitioners. The presiding officer shall give each petitioner written notice of the decision on his petition, and if the petition is denied, he shall briefly state the grounds for denial.

Further information on the hearing may be obtained from Dr. Stephen Cornett, Director, Office of Rehabilitation Services, Room 737-A, 50 Seventh Street, N.E., Atlanta, Georgia 30323.

Dated: May 19, 1976.

ANDREW S. ADAMS,
Commissioner, Rehabilitation Services Administration.

REHABILITATION
SERVICES ADMINISTRATION,
OFFICE OF HUMAN DEVELOPMENT,
May 12, 1976.

WILLIAM J. PAGE, Jr.,
Secretary, Department of Health and Rehabilitative Services, 1323 Winewood Boulevard, Tallahassee, Florida 32301.

DEAR MR. PAGE: I have received your telegram of April 12, 1976, advising that the State of Florida requests a hearing in response to my March 15, 1976 letter of intent to disapprove the Florida Fiscal Year 1976 State plan for vocational rehabilitation, under Title I of the Rehabilitation Act, as amended. I wish to notify you that I have scheduled the hearing for 9:00 am July 12, 1976, to be held in Room 222 Peachtree Seventh Building, 50 Seventh Street, N.E., Atlanta, Georgia.

I am enclosing the rules of practice and procedures established for this proceeding. These rules have been adopted from those published by the Social and Rehabilitation Service for hearings on conformity of State public assistance plans to Federal requirements, set forth at 45 CFR Part 213.

I have designated Mr. Edward L. Boisseree, 602 Ojai Avenue, Sun City Center, Florida (813) 634–5972, as the presiding officer. I have designated as the Rehabilitation Services Administration Hearing Clerk, Mrs. Betty Hopkins, Room 713, Peachtree Seventh Building, 50 Seventh Street, N.E., Atlanta, Georgia 30323. Each of these individuals shall perform the duties and reponsibilities set forth in the rules of practice and procedure.

The issue to be considered at the hearing is whether the Florida FY 1976 State plan for vocational rehabilitation meets the requirements of the Rehabilitation Act of 1973, as amended, 29 U.S.C. § 721, and the implementing regulations (45 CFR Part 1361).

Under Section 101(a) of the Rehabilitation Act, in order to receive Federal grants and financial participation under Title I of the Rehabilitation Act of 1973, as amended, 29 U.S.C. § 701, it is necessary that a State have for each fiscal year a State plan approved by the Commissioner, RSA, as meeting the requirements specified in the Federal Act and in 45 CFR Part 1361.

Section 101(a)(2)(A) of the Rehabilitation Act expressly requires that, except in the case of an independent State agency devoted primarily to the VR or vocational and other rehabilitation of handicapped individuals, there must be a VR organizational unit within the designated sole State agency which, "* * * (1) is primarily concerned with vocational rehabilitation, or vocational and other rehabilitation, of handicapped individuals, and is responsible for the vocational rehabilitation program of such State agency, (ii) has a full-time director, and (iii) has a staff employed on such rehabilitation work of such organizational unit all or substantially all of whom are employed full time on such work;"

A number of pertinent regulations implement this statutory language. These include regulations which require that the organizational structure of the sole State agency provide for clear lines of administrative and supervisory authority, and that all decisions affecting eligibility, the nature and scope of, and the provision of vocational rehabilitation services be made through the vocational rehabilitation organizational unit.

(45 CFR § 1361.6 and 1361.7)

The effect of the various statutory and regulatory requirements as to the organizational unit is to establish that the administrator of the VR unit must have responsibility and authority, including decision-making capacity, to direct and administer the VR program in the State.

As stated in my letter to Governor Reubin Askew, dated March 15, 1976, the FY 1976 Florida plan for vocational rehabilitation does not fulfill the conditions specified in Section 101(a)(2)(A) of the Act because, under the plan, serious limitations are placed on the Director of the Vocational Rehabilitation Program Office as the chief official of the organizational unit for vocational rehabilitation. He is not given sufficient responsibility and authority to direct and administer the program. Closely tied to this deficiency in the Florida State plan are the diffusion and lack of clarity in the lines of administrative and supervisory authority for the vocational rehabilitation program. The Florida Reorganization Act of 1975 (Florida Statutes Annotated 20.19) and the FY 1976 State plan assign line responsibility and authority in areas such as personnel and budget, among others, to the eleven district administrators who are under the Assistant Secretary for Operations, rather than to the Director of the VR Program Office who reports to the Assistant Secretary for Program Planning and Development.

The State plan does not establish whether the scope of the VR Program Director's responsibility and authority to decide disputes or disagreements with the District Administrators on State plan interpretation, execution, and enforcement, extends to implementing plans, policies, and procedures, as well as initiating and achieving corrective action. Another problem is that the VR Program Director does not have the authority to approve district cooperative agreements in the developing and concluding stages for consistency with State VR program goals and statewideness.

The VR Program Office does not have responsibility and authority for VR personnel management and budget, particularly on the District level.

The State plan designates the District Administrator as the official who selects, evaluates, and terminates the District VR Program Supervisor; the Director of the VR Program Office is limited to a concurring role in these actions. The Director of the Program Office does not have any responsibility and authority for the selection, evaluation, and termination of the VR staff in the eleven district offics blow the level of the District VR Program Supervisor, who is the chief VR person in each district office and operates under the line authority of the District Administrator. The Director also does not have responsibility and authority for determining personnel needs and the utilization of personnel within and among districts. Lacking such responsibility and authority, the Director of the VR Program Office does not have control over the rehabilitation staff who deliver vocational rehabilitation services.

The Director of the VR Program Office does not have responsibility and authority for VR district level budget development, approval, and execution. Initiation and approval of adjustments in VR budgets within and among districts, during the course of the fiscal year, for example, are not within the authority assigned to the VR Program Director.

Accompanying this notice is our Office of the General Counsel Statement of Deficiencies in Florida's FY 1976 plan for vocational rehabilitation, which is intended to define further the issues to be resolved. As you will note, the State of Florida is required to file an answer to this Statement within 20 days of its receipt.

Should you or your counsel have any further questions, please contact our Regional Attorney, Mr. Carl H. Harper (404) 526-5381.

Very sincerely,

ANDREW S. ADAMS,
Commissioner of Rehabilitation Services.

ADMINISTRATIVE PROCEEDINGS IN THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

DOCKET NO. RSA–1

In the Matter of the Florida Department of Health and Rehabilitative Services (Hereinafter called "State of Florida").

The Department of Health, Education, and Welfare's Statement of Deficiencies in the Proposed Florida Vocational Rehabilitation Plan for Fiscal Year 1976:

You are notified and required within 20 days from the service of this document, unless such time be extended by order of the responsible Department official, to file with the Rehabilitation Services Administration Hearing Clerk, Department of Health, Education, and Welfare, Room 713, Peachtree Seventh Building, 50 Seventh Street, N.E., Atlanta, Georgia 30323, an original and two copies of an answer to the allegations herein. An additional copy shall be mailed or delivered to the attorneys in the Office of the General Counsel whose address is indicated below their signatures hereon.

Answers shall admit or deny specifically and in detail each allegation of this Statement unless the State of Florida is without knowledge in which case the answer should so state, and the Statement will be deemed a denial. Allegations of fact in this Statement not denied or controverted by answer shall be deemed admitted. Failure of the State of Florida to file an answer within the 20-day period following service of the Statement may be deemed an admission of all matters of fact recited in the Statement.

The General Counsel, Department of Health, Education, and Welfare acting on behalf of said Department alleges as follows:

1. In order for a State to be eligible for grants for any fiscal year from the allotments of funds under Title I of the Rehabilitation Act of 1973, P.L. 93–112, 29 U.S.C. § 701, it is necessary for a State to submit for each fiscal year a State plan which must meet the requirements specified in 29 U.S.C. § 721 and 45 CFR 1361.

2. Pursuant to the above, the State of Florida submitted a proposed State Vocational Rehabilitation Plan, as revised January 30, 1976, for Fiscal Year 1976 to the Rehabilitation Services Administration within the Department of Health, Education, and Welfare for a determination of eligibility for Federal financial participation in the case of the Florida Vocational Rehabilitation program for Fiscal Year 1976 from the allotments of funds under Title I of the Rehabilitation Act of 1973.

3. It is required by 29 U.S.C. § 721(b) that the Secretary of Health, Education, and Welfare shall approve any plan which he finds fulfills the conditions specified in subsection (a) of 29 U.S.C. § 721, and he shall disapprove any plan which does not fulfill such conditions.

4. On February 7, 1975, the Secretary of Health, Education, and Welfare delegated his authority to approve or disapprove such State plans for vocational rehabilitation under Title I of the Rehabilitation Act of 1973, as amended, to the Commissioner of the Rehabilitation Services Administration. Vol. 40 No. 27 FEDERAL REGISTER, p. 5809.

5. Pursuant to the above-mentioned delegation of authority, the Commissioner of the

Rehabilitation Services Administration on March 15, 1976 issued a letter to the Honorable Reubin Askew, Governor of Florida, conveying his intention to disapprove the proposed Florida State plan for Fiscal Year 1976, effective April 15, 1976, on the basis that it does not fulfill the conditions specified in § 101(a)(2)(A) of the Rehabilitation Act of 1973, as amended. Pending a decision following an administrative hearing, the State of Florida will continue to receive Federal grant funds under Title I of the Rehabilitation Act of 1973, P.L. 93–112, 29 U.S.C. § 701.

6. § 101(a)(2)(A) of the Rehabilitation Act of 1973 29 U.S.C. § 721(a)(2), P.L. 93–112, provides that when the State agency is a multi-program or umbrella agency such as the Florida Department of Health and Rehabilitative Services, there must be a "rehabilitation bureau, division or other organizational unit which (i) is primarily concerned with vocational rehabilitation, or vocational and other rehabilitaton, of handicapped individuals, and is responsible for the vocational rehabilitation program of such State agency, (ii) has a full-time director, and (iii) has a staff employed on such rehabilitation work of such organizational unit all or substantially all of whom are employed full time on such work . . ."

The above-mentioned section of the statute is further interpreted by regulations which state in part:

* * * (2) The internal structure of the State agency. The organizational structure shall provide for all the vocational rehabilitation functions for which the State agency is responsible, for clear lines of administrative and supervisory authority * * * (b) * * * the State plan shall * * * include a vocational rehabilitation bureau, division or other organizational unit which: (1) is primarily concerned with vocational rehabilitation, or vocational and other rehabilitation of handicapped individuals, and is responsible for the administration of such State agency's vocational rehabilitation program, which must include the determination of eligibility for and the provision of vocational rehabilitation services under the State plan; (2) has a full time administrator * * * (3) has a staff employed on such rehabilitation work of such organizational unit, all or substantially all of whom are employed full time on such work. (c) * * * in evaluating * * * the organizational status of the unit, the Commissioner will give consideration to such factors as * * * the extent to which the administrator of the organizational unit for vocational rehabilitation can determine the scope and policies of the vocational rehabilitation program; and the kind and degree of authority delegated to the administrator of the organizational unit for administration of the vocational rehabilitation program (45 CFR 1361.7(a)).

The Florida legislature in providing for the reorganization of the Florida Department of Health and Rehabilitative Services pursuant to the Florida Reorganization Act of 1975, Florida Statutes Annotated 20.19, relegates program directors to staff positions under the direction of an Assistant Secretary for Program Planning and Development, and enjoins the program directors from exercising any line authority over the operating staff that must execute the several categorical programs. Administration, thereby, is functionally severed from program policy making and direction. All operating staffs of all categorical programs are consolidated at the State level under the direction of an Assistant Secretary for Operations and at the district level under the direction of a district administrator who is accountable to the Assistant Secretary for Operations, but not to the program directors for program direction.

Since the Vocational Rehabilitation Program Director is expressly enjoined by Section 2 of the Florida Reorganization Act of 1975 (Florida Statutes Annotated 20.19) from having line authority over service program operations, he has no line authority over the staff working at the district level who must carry out the program. The organizational unit which previously administered and carried out the categorical vocational rehabilitation program in the Florida Department of Health and Rehabilitative Services has been horizontally dismembered.

The Rehabilitation Act of 1973, P.L. 93–112, 29 U.S.C. 721, expressly requires that there be an organizational unit in the State agency devoted primarily to the vocational rehabilitation program or vocational and other rehabilitation. Regulations implementing these statutory provisions specify that the State plan must provide for "clear lines of administrative and supervisory authority" 45 CFR 1361.7(a)(2). Florida's State plan does not so provide. All decisions affecting eligibility for, and the scope and provision of rehabilitation services must be made through the vocational rehabilitation unit, 45 CFR 1361.7(b)(1).

7. The foregoing requirements of the Rehabilitation Act of 1973, P.L. 93–112, 29 U.S.C. 721, were communicated to Governor Askew of Florida and other State officials in a telegram from the Department of Health, Education, and Welfare's Regional Director, Dr. Frank Groschelle, dated May 1, 1975 in advance of enactment of the Florida Reorganization Act of 1975.

8. The proposed Florida State Plan for Fiscal Year 1976, seriously limits the responsibility and authority of the Director of the vocational rehabilitation organizational unit. i.e., the Vocational Rehabilitation Program Office, in administering the vocational rehabilitation program in violation of Title I of the Rehabilitation Act of 1973, P.L. 93–112, 29 U.S.C. § 721 and implementing regulations 45 CFR 1361.7 and 1361.8 in that the program director is not given sufficient authority to administer the program and in addition no clear lines of authority are established in violation of 45 CFR 1361.7.

9. The proposed Florida State Plan for Fiscal Year 1976 seriously limits the responsibility and authority of the Director of the State Vocational Rehabilitation Program Office in the district vocational rehabilitation programmatic activities relating to the interpretation, execution and enforcement of implementing plans, policies, procedures and corrective action efforts since the district administrator is the official responsible for all line operations within each district in violation of Title I of the Rehabilitation Act of 1973, P.L. 93–112, 29 U.S.C. § 721 and implementing regulations including, but not limited to 45 CFR 1361.6, 1361.7 and 1361.10.

10. The proposed Florida State Plan for Fiscal Year 1976, Attachment 3.3(a)(A), page 11 of 16, fails to give the Director of the Vocational Rehabilitation Program Office the responsibility and authority for the selection, evaluation and termination of the vocational rehabilitation staff in the eleven district offices up to and including the District Vocational Rehabilitation Program Supervisor, who is the Chief Vocational Rehabilitation person in each district office and operates under the line authority of the district administrator who is under the Assistant Secretary for Operations, in violation of Title I of the Rehabilitation Act of 1973, as amended, P.L. 93–112, 29 U.S.C. § 721 and implementing regulations, including particularly 45 CFR 1361.7.

11. The proposed Florida State Plan for Fiscal Year 1976, Attachment 3.3(a)(A), page 11 of 16, fails to give the Director of the Vocational Rehabilitation Program Office the responsibility for determining personnel needs and the utilization of personnel within and among districts so that he lacks control over key personnel management of the Vocational Rehabilitation staff who deliver Vocational Rehabilitation services, in violation of Title I of the Rehabilitation Act of 1973, as amended, P.L. 93–112, 29 U.S.C. § 721 and implementing regulations including particularly 45 CFR 1361.7.

12. The proposed Florida State Plan for Fiscal Year 1976, Attachment 3.3(a)(A), pages 10 and 11 of 16, fails to give the Director of the Vocational Rehabilitation Program Office the responsibility and authority for Vocational Rehabilitation district level budget development, approval and execution as well as initiation and approval of budget adjustments within and among districts during the course of the fiscal year, in violation of Title I of the Rehabilitation Act of 1973, as amended, P.L. 93–112, 29 U.S.C. § 721 and implementing regulations, including particularly 45 CFR 1361.7.

13. The proposed Florida State Plan for Fiscal Year 1976, Attachment 3.3(a)(A), page 13 of 16, fails to give the Director of the Vocational Rehabilitation Program Office the authority to approve district cooperative agreements in the developing and concluding stages for consistency with State goals and statewideness, in violation of Title I of the Rehabilitation Act of 1973, as amended, P.L. 93–112, 29 U.S.C. § 721 and implementing regulations, including particularly 45 CFR 1361.7.

Wherefore, the General Counsel prays that a recommendation be made to the Commissioner, RSA, finding that the proposed Florida State Plan for FY 1976 does not meet the requirements of the Rehabilitation Act of 1973, as amended, P.L. 93–112, 29 U.S.C. § 721 and implementing regulations 45 CFR 1361.

For the General Counsel, Department of Health, Education, and Welfare.

CARL H. HARPER,
Attorney.
HARRY F. MCDONAGH,
Assistant Regional Attorney.
EVE H. GOLDSTEIN,
Assistant Regional Attorney.

Department of Health, Education, and Welfare, Room 323, 50 Seventh Street, N.E., Atlanta, Georgia 30323.

CERTIFICATION OF SERVICE

We hereby certify that we caused one copy of the attached document to be mailed this date to the following persons at the addresses given:

William J. Page, Jr., Secretary, Florida Department of Health and Rehabilitative Services, 1323 Winewood Boulevard, Tallahassee, Florida 32301.

Reubin Askew, Governor, State of Florida, State Capitol, Tallahassee, Florida 32304.

David St. John, General Counsel, Florida Department of Health and Rehabilitative Services, 1323 Winewood Boulevard, Tallahassee, Florida 32031.

Robert Shevin, State Attorney General, State Capitol, Tallahassee, Florida 32304.

We further certify that we caused the original and two copies of the aforementioned document to be filed with:

Rehabilitation Services Administration Hearing Clerk, Department of Health, Education, and Welfare, Peachtree Seventh Building, Room 713, 50 Seventh Street, N.E., Atlanta, Georgia 30323.

Dated: May 12, 1976.

CARL H. HARPER,
Regional Attorney.

HARRY F. MCDONAGH,
Assistant Regional Attorney.

EVE H. GOLDSTEIN,
Assistant Regional Attorney.

Department of Health, Education, and Welfare, Room 323, 50 Seventh Street, N.E., Atlanta, Georgia 30323.

Ad Hoc Rules of Practice and Procedure for Hearings on Conformity of State Plans for Vocational Rehabilitation Services with Federal Requirements under Title I of the Rehabilitation Act of 1973, as amended

adopted by the Rehabilitation Services Administration for hearing the appeal of the State of Florida on the intended disapproval of its proposed Fiscal Year 1976 State Plan for VR under Title I of the Rehabilitation Act of 1973, as amended.

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B. Definition.
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I. General.

A. Scope of rules.

(1) The rules of procedure in this part govern the practice for the hearing afforded by the Commissioner, Rehabilitation Services Administration to the State of Florida pursuant to section 101(b) of the Rehabilitation Act of 1973, as amended, and section 1361.4 of the implementing regulations.

(2) Nothing in this part is intended to preclude or limit negotiations between the Rehabilitation Services Administration and the State, whether before, during, or after the hearing to resolve the issues which are, or otherwise would be, considered at the hearing. Such negotiations and resolution of issues are not part of the hearing, and are not governed by the rules in this part, except as expressly provided herein.

B. Definition.

For purposes of these rules of practice and procedure, the term "State plan" shall include either approved or proposed State plans, as appropriate.

C. Records to be public.

All pleadings, correspondence, exhibits, transcripts of testimony, exceptions, briefs, decisions, and other documents filed in the docket in these proceedings may be inspected and copied in the office of the Rehabilitation Services Administration Hearing Clerk. Inquiries may be made to Director, Office of Rehabilitation Services, Department of Health, Education, and Welfare, 50 Seventh Street, N.E., Room 737-A, Atlanta, Georgia 30323.

D. Use of number.

As used in these rules, words importing the singular number may extend and be applied to several persons or things, and vice versa.

E. Suspension of rules.

Upon notice to all parties, the Commissioner or presiding officer, with respect to matters pending before him and within his jurisdiction, may modify or waive any rule in this part upon determination that no party will be unduly prejudiced and the ends of justice will thereby be served.

F. Filing and service of papers.

All papers in the proceedings shall be filed with the RSA Hearing Clerk, in an original and two copies. Originals only of exhibits and transcripts of testimony need to be filed. All papers in the proceedings shall be served on all parties by personal delivery or by mail. Service on the party's designated attorney will be deemed service upon the party.

II. Preliminary Matters—Notice and Parties

A. Notice of hearing or opportunity for hearing.

Proceedings are begun by mailing a notice of hearing or opportunity for hearing from the Commissioner, Rehabilitation Services Administration to the State. The notice shall include a Statement of Deficiencies. The notice shall state the time and place for the hearing, and the issues which will be considered, and shall be published in the FEDERAL REGISTER.

B. Answer to Statement of Deficiencies.

The State shall file an answer to the Statement of Deficiencies within 20 days after service thereof. Answers shall admit or deny specifically and in detail each allegation of the Statement of Deficiencies, unless the State is without knowledge, in which case its answer should so state, and the statement will be deemed a denial. Allegations of fact in the Statement not denied or controverted by answer shall be deemed admitted. Matters alleged as affirmative defenses shall be separately stated and numbered. Failure of the State to file an answer within the 20-day period following service of the Statement of Deficiencies may be deemed an admission of all matters of fact recited in the Statement.

C. Time of hearing.

The hearing shall be scheduled by the Commissioner within a reasonable time but no more than 90 days after the date notice of the hearing is furnished to the State.

D. Place.

The hearing shall be held in the city in which the Regional Office of the Department is located or in such other place as is fixed by the Commissioner in light of the circumstances of the case with due regard to the convenience and necessity of the parties or their representatives, including accessibility of the building to the physically handicapped.

E. Issues at hearing.

(1)(a) The General Counsel of the Department may amend the Statement of Deficiencies once as a matter of course before an answer thereto is served, and the State may amend its answer once as a matter of course not later than 10 days before the date fixed for hearing but in no event later than 20 days from the date of service of its original answer. Otherwise the Statement or answer may be amended only by leave of the presiding officer. The State shall file its answer to an amended statement within the time remaining for filing the answer to the original statement or within 10 days after service of the amended Statement, whichever period may be the longer, unless the presiding officer otherwise orders. Amendments pursuant to this paragraph do not have to be published in the FEDERAL REGISTER.

(1)(b) If such amended Statement is furnished to the State less than 20 days before the date of the hearing, the State or any other party at its request may be granted a postponement of the hearing by the presiding officer, in accordance with Section III (B)(1)(a) of the rules.

(2) If, as a result of negotiations between the RSA and the State, the submittal of an annual State plan for vocational rehabilitation under Title I of the Rehabilitation Act, as amended or a plan amendment, any issue is resolved in whole or in part, but new or modified issues are presented, as specified by the Commissioner, the hearing shall proceed on such new or modified issues.

(3) If at any time, whether prior to, during, or after the hearing, the Commissioner finds that the State has come into conformity with Federal requirements on any issue, in whole or in part, he shall remove such issue from the proceedings in whole or in part as may be appropriate. If all issues are removed, he shall terminate the hearing.

(4) The issues considered at the hearing shall be limited to those issues of which the State is notified as provided in Section II(A) and II(E)(1)(a) of these procedures, and new or modified issues described in Section II(E)(2) and shall not include issues or parts of issues removed from the proceedings pursuant to Section II(E)(3).

(5) Prior to the removal of any issue from the hearing, in whole or in part, the Commissioner, RSA shall provide all parties other than Rehabilitation Services Administration and the State with the statement of his intention, and the reasons therefor, and a copy of the State plan or provision on which the State and he have settled, and the parties shall have opportunity to submit in writing within 15 days, for the Commissioner's consideration and for the record, their views as to, or any information bearing upon, the merits of the plan or provision and the merits of the Commissioner's reasons for removing the issue from the hearing.

F. Request to participate in hearing.

(1) The Rehabilitation Services Administration and the State are parties to the hearing without making a specific request to participate.

(2)(a) Other individuals or groups may be recognized as parties, if the issues to be considered at the hearing have caused or will cause them injury and their interest is within the zone of interests to be protected by governing Federal statute.

(2)(b) Any individual or group wishing to participate as a party shall file a petition with the RSA Hearing Clerk within 15 days after notice of the hearing has been published in the FEDERAL REGISTER, and shall serve a copy on each party of record at that time, in accordance with Section I(F) of these procedures. Such petition shall concisely state (i) petitioner's interest in the proceedings, (ii) who will appear for petitioner, (iii) the issues on which petitioner wishes to participate, and (iv) whether petitioner intends to present witnesses.

(2)(c) Any party may within 5 days of receipt of such petition, file comments thereon.

(2)(d) The presiding officer shall promptly determine whether each petitioner has the requisite interest in the proceedings and shall permit or deny participation accordingly. Where petitions to participate as parties are made by individuals or groups with common interests, the presiding officer may request all such petitioners to designate a single representative, or he may recognize

one or more of such petitioners to represent all such petitioners. The presiding officer shall give each petitioner written notice of the decision on his petition, and if the petition is denied, he shall briefly state the grounds for denial.

(3)(a) Any interested person or organization wishing to participate as amicus curiae shall file a petition with the RSA Hearing Clerk before the commencement of the hearing. Such petition shall concisely state (i) the petitioner's interest in the hearing, (ii) who will represent the petitioner, and (iii) the issues on which petitioner intends to present argument. The presiding officer may grant the petition if he finds that the petitioner has a legitimate interest in the proceedings, that such participation will not unduly delay the outcome and may contribute materially to the proper disposition of the issues. An amicus curiae is not a party but may participate as provided in this paragraph.

(3)(b) An amicus curiae may present a brief oral statement at the hearing at the point in the proceedings specified by the presiding officer. He may submit a written statement of position to the presiding officer prior to the beginning of a hearing and shall serve a copy on each party. He may also submit a brief or written statement at such time as the parties submit briefs, and shall serve a copy on each party.

III. Hearing Procedures

A. Who presides.

(1) The presiding officer at this hearing shall be a hearing officer designated by the Commissioner.

(2) The resignation of the presiding officer shall be in writing. A copy of the designation shall be served on all parties.

B. Authority of presiding officer.

(1) The presiding officer shall have the duty to conduct a fair hearing, avoid delay, maintain order, and make a record of the proceedings. He shall have all powers necessary to accomplish these ends including, but not limited to, the power to:

(a) Change the date, time, and place of the hearing, upon due notice to the parties. This includes the power to continue the hearing in whole or in part.

(b) Hold conferences to settle or simplify the issues in these proceedings, or to consider other matters that may aid in the expeditious disposition of the proceedings.

(c) Regulate participation of parties and amici curiae and require parties and amici curiae to state their position with respect to the various issues in the proceedings.

(d) Administer oaths and affirmations.

(e) Rule on motions and other procedural items on matters pending before him, including issuance of protective orders or other relief to a party against whom discovery is sought.

(f) Regulate the course of the hearing and conduct of counsel therein.

(g) Examine witnesses.

(h) Receive, rule on, exclude, or limit evidence or discovery.

(i) Fix the time for filing motions, petitions, briefs, or other items in matters pending before him.

(j) Certify the entire record including his recommended findings and proposed decision to the Commissioner.

(k) Take any action authorized by the rules in this part or in conformance with the provisions of 5 U.S.C. 551–559.

(2) The presiding officer does not have authority to compel by subpoena the production of witnesses, papers, or other evidence.

(3) The presiding officer's authority pertains to the issues of conformity by a State with Federal requirements which are to be considered at the hearing, and does not extend to the question of whether in case of any nonconformity, Federal payments will be made with respect to the entire State plan or will be limited to categories under or parts of the State plan affected by such nonconformity.

C. Discovery.

The Rehabilitation Services Administration and any party named in the Notice issued under section II(A) or joined pursuant to section II(F), shall have the right to conduct discovery (including depositions) against opposing parties. Rules 26–37 of the Federal Rules of Civil Procedure shall apply to such proceedings; there will be no fixed rule on priority of discovery. Upon written motion, the presiding officer shall promptly rule upon any objection to such discovery action initiated pursuant to this section. The presiding officer shall also have the power to grant a protective order or relief to any party against whom discovery is sought and to restrict or control discovery so as to prevent undue delay in the conduct of the hearing. Upon the failure of any party to make discovery, the presiding officer may, in his discretion, issue any order and impose any sanction (other than contempt orders) authorized by Rule 37 of the Federal Rules of Civil Procedure.

D. Rights of Parties.

All parties may:

(1) Appear by counsel or other authorized representative, in all hearing proceedings.

(2) Participate in any prehearing conference held by the presiding officer.

(3) Agree to stipulations as to facts which will be made a part of the record.

(4) Make opening statements at the hearing.

(5) Present relevant evidence on the issues at the hearing.

(6) Present witnesses who then must be available for cross-examination by all other parties.

(7) Present oral arguments at the hearing.

(8) Submit written briefs, proposed findings of fact, and proposed conclusions of law, after the hearing.

E. Evidentiary purpose.

The hearing is directed to receiving factual evidence and expert opinion testimony related to the issues in the proceedings. Argument will not be received in evidence; rather it should be presented in statements, memoranda, or briefs, as determined by the presiding officer. Brief opening statements, which shall be limited to statement of the party's position and what he intends to prove, may be made at the hearing.

F. Evidence.

(1) Testimony. Testimony shall be given orally under oath or affirmation by witnesses at the hearing. Witnesses shall be available at the hearing for cross-examination by all parties.

(2) Stipulations and exhibits. Two or more parties may agree to stipulations of fact. Such stipulations, or any exhibit proposed by any party, shall be exchanged at a prehearing conference or otherwise prior to the hearing if the presiding officer so requires.

(3) Rules of evidence. Technical rules of evidence shall not apply to this hearing, but rules or principles designed to assure production of the most credible evidence available and to subject testimony to test by cross-examination shall be applied where reasonably necessary by the presiding officer. A witness may be cross-examined on any matter material to the proceedings without regard to the scope of his direct examination. The presiding officer may exclude irrelevant, immaterial, or unduly repetitious evidence. All documents and other evidence offered or taken for the record shall be open to examination by the parties and opportunity shall be given to refute facts and arguments advanced on either side of the issues.

G. Exclusion from hearing for misconduct.

Disrespectful, disorderly, or contumacious language or contemptuous conduct, refusal to comply with directions, or continued use of dilatory tactics by any person at the hearing before a presiding officer shall constitute grounds for immediate exclusion of such person from the hearing by the presiding officer.

H. Unsponsored written material.

Letters expressing views or urging action and other unsponsored written material regarding matters in issue in this hearing will be placed in the correspondence section of the docket of the proceedings. These data are not deemed part of the evidence or record in the hearing.

I. Official transcript.

The RSA will designate the official reporter for the hearing. The official transcript of testimony taken, together with any stipulations, exhibits, briefs, or memoranda of law filed therewith shall be filed with the RSA. Transcript of testimony in the hearing, may be obtained from the official reporter by the parties and the public at rates not to exceed the maximum rates fixed by the contract between the RSA and the reporter. Upon notice to all parties, the presiding officer may authorize corrections to the transcript which involve matters of substance.

J. Record for decision.

The transcript of testimony, exhibits, and all papers and requests filed in the proceedings, except the correspondence section of the docket, including rulings and any recommended or initial decision, shall constitute the exclusive record for the decision.

IV. Posthearing Procedures, Decisions

A. Posthearing briefs.

The presiding officer shall fix the time for filing posthearing briefs, which may contain proposed findings of fact and conclusions of law, and, if permitted, reply briefs.

B. Decisions following hearing.

(1) The presiding officer shall no later than 30 days after submission of posthearing briefs has expired, certify the entire record, including his recommended findings and proposed decision, to the Commissioner. The Commissioner shall serve a copy of the recommended findings and proposed decision upon all parties, and amici, if any.

(2) Any party may, within 20 days, file with the Commissioner exceptions to the recommended findings and proposed decision and a supporting brief or statement. The Commissioner shall offer opportunity for all parties to appear before him and present their views on the recommended findings and proposed decision.

(3) The Commissioner shall thereupon review the recommended decision and, within 60 days of its issuance, issue his own decision.

(4) If the Commissioner concludes that a State plan does not conform with Federal requirements, he shall specify what action shall be taken including, if applicable, whether further payments will be made to the State or whether, in the exercise of his discretion, payments will be limited to categories under or parts of the State plan not affected by such nonconformity. The Commissioner may ask the parties for recommendations or briefs or may hold conferences of the parties on this question.

(5) The decision of the Commissioner under this section shall be the final decision and shall constitute "final agency action" within the meaning of 5 U.S.C. 704 and a "final determination" within the meaning of section 101 (b) and (c) of the Act and implementing regulations. The Commissioner's decision shall be promptly served on all parties, and amici, if any.

C. Effective date of Commissioner's decision.

If the Commissioner concludes that a State plan does not conform with Federal requirements, his decision that further payments will not be made to the State, or that payments will be limited to categories under or parts of the State plan not affected, shall specify the effective date for the withholding of Federal funds. The effective date shall not be earlier than the date of the Commissioner's decision and shall not be later than the first day of the next calendar quarter. The provisions of this section may not be waived pursuant to section I(E).

Rehabilitation Services Administration, Office of Human Development.

Dated: May 12, 1976.

[FR Doc.76-15344 Filed 5-24-76;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

[Docket No. D-76-431]

REGIONAL COUNSEL

Designation and Delegation of Authority

I hereby designate the Regional Counsel, Region V, to act in my stead, with authority to receive and act upon inquiries, requests for access and requests for correction or amendment of records under the Privacy Act of 1974, enacted December 31, 1974 as PL 93-579. The authority for this designation is 40 FR 39729 (August 28, 1975), as amended by 41 FR 13917 (April 1, 1976).

Effective date: This designation and delegation shall be effective as of April 19, 1976.

DON MORROW,
Regional Administrator,
Region V (Chicago).

[FR Doc.76-15176 Filed 5-24-76;8:45 am]

ADVISORY COUNCIL ON HISTORIC PRESERVATION

PUBLIC INFORMATION MEETING

Notice is hereby given in accordance with the Federal Advisory Committee Act (P.L. 92-463) and § 800.5(c) of the Advisory Council's "Procedures for the Protection of Historic and Cultural Properties" (36 CFR Part 800) that on June 17, 1976, at 7:30 p.m., a public information meeting will be held in the Council Chambers at the Mishawaka City Hall, 204 East First Street, Mishawaka, Indiana. The purpose of this meeting is to provide an opportunity for representatives of national, State, and local units of government, representatives of public and private organizations and interested citizens to receive information and express their views on the proposed Mishawaka Neighborhood Development Program A-5, Area No. 2 (Central Business District) as it affects the 100 NW Block, Mishawaka, Indiana, a property included in the National Register of Historic Places.

A summary of the agenda of the public information meeting follows:

I. An explanation of the procedures and purpose of the meeting by a representative of the Executive Director of the Advisory Council.

II. An explanation of the undertaking and an evaluation of its effects on the property by the U.S. Department of Housing and Urban Development.

III. A statement by the Indiana State Historic Preservation Officer.

IV. Statements from local officials, private organizations, and the public on the effects of the undertaking on the property.

V. A general question period.

Speakers should limit their statements to approximately 10 minutes. Written statements in furtherance of oral remarks will be accepted by the Council at the time of the meeting. Additional information regarding the meeting is available from the Executive Director, Advisory Council on Historic Preservation, 1522 K Street, N.W., Suite 430, Washington, D.C. 20005 (202-254-3380).

ROBERT R. GARVEY, Jr.,
Executive Director.

[FR Doc.76-15173 Filed 5-24-76;8:45 am]

CIVIL AERONAUTICS BOARD

[Order 76-5-83; Docket 27573, Agreement C.A.B. 25791 R-1 and R-2, Agreement C.A.B. 25792 R-1 through R-7, Agreement C.A.B. 25808, Agreement C.A.B. 25809 R-1 through R-3, Agreement C.A.B. 25812 R-1 through R-4, Agreement C.A.B. 25813 R-1 through R-4, Agreement C.A.B. 25816 R-1 through R-5]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Agreements Relating to Cargo Rate Matters

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 19th day of May 1976.

ORDER

Agreements have 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 Traffic Conferences of the International Air Transport Association (IATA). The agreements were adopted at the Composite Cargo Conference held in Geneva during March/April 1976.

The agreements would increase cargo rates within and between Traffic Conferences 2 (Europe/Middle East/Africa) and 3 (Far East/Australasia) by varying amounts through September 30, 1977, and would also amend ancillary currency adjustment resolutions in various areas. Additionally, Resolution 513 (Charges on Mixed Consignments) would be amended to provide, on a worldwide basis, that all restricted articles in a consignment be described on the face of the airway bill as well as on the extension list. We will herein approve all resolutions establishing rates between foreign points which are combinable with rates to/from U.S. points and which thus affect air transportation as defined by the Act. Jurisdiction will be disclaimed regarding noncombinable rates. The ancillary resolutions directly affecting U.S. points will be approved herein, but insofar as rate resolutions propose rate increases to/from the U.S. points Guam and American Samoa, they will be acted on at a later date in conjunction with overall transpacific cargo agreements now pending before the Board.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, makes the following findings:

1. It is not found that the following resolutions, incorporated in the agreements indicated, and which directly affect air transportation as defined by the Act, are adverse to the public interest or in violation of the Act:

Agreement CAB	IATA No.	Title	Application
25791:			
R-1	022b	Expedited JT23/JT123 Special Rules for Sales of Cargo Air Transportation (Amending).	2/3; 1/2/3.
25792:			
R-2	001LL	Expedited Special Currency Escape Resolution—Mid Atlantic (New)	1/2.
R-3	022k	Expedited—JT12 (Mid Atlantic) Special Rules for Sales of Cargo Air Transportation (Amending).	1/2.
R-7	001LL	Expedited Special Currency Escape Resolution—JT23/JT123 (New)	2/3; 1/2/3.

Agreement CAB	*IATA resolution*
25808	100, 200, 300, JT12, JT23, JT31, JT123 (Mail 18) 513.

Agreement CAB	IATA No.	Title	Application
25809:			
R-1	022a	TC3 Special Rules for Sales of Cargo Air Transportation (Amending)	3.
25812:			
R-2	022ii	JT12 (Mid and South Atlantic) Special Rules for Sales of Cargo Air Transportation (Amending).	1/2.
25813:			
R-1	022b	JT23/JT123 Special Rules for Sales of Cargo Air Transportation (Amending).	2/3; 1/2/3.
R-2	022mm	JT23/JT123 Special Rules for Sales of Cargo Air Transportation (Amending).	2/3; 1/2/3.

2. It is not found that the following resolutions, incorporated in the agreements indicated, and which indirectly affect air transportation as defined by the Act, are adverse to the public interest or in violation of the Act:

Agreement CAB	IATA No.	Title	Application
25792:			
R-1	001LL	Expedited Currency Escape Resolution—TC2 (New)	2.
R-4	554b	Expedited Mid Atlantic General Cargo Rates (Amending)	1/2.
R-5	001LL	Expedited Special Currency Escape Resolution—South Atlantic (New)	1/2.
R-6	022L	Expedited JT12 (South Atlantic) Special Rules for Sales of Cargo Air Transportation (Amending).	1/2.
25812:			
R-1	005ff	General Increases in Cargo Rates (New)	1/2 (South Atlantic).
R-3	022L	JT12 (South Atlantic) Special Rules for Sales of Cargo Air Transportation (Amending).	1/2.
R-4	501	Minimum Charges for Cargo—South Atlantic (Amending)	1/2.
25816:			
R-1	022kk	TC2 Special Rules for Sales of Cargo Air Transportation (Amending)	2.
R-2	022m	TC2 Special Rules for Sales of Cargo Air Transportation (Amending)	2.
R-3	501	Minimum Charges for Cargo (Amending)	2.
R-5	005ee	TC2 General Increases in Cargo Rates (New)	2.

3. It is not found that the following agreements, incorporated in the agreements indicated, are adverse to the public interest or in violation of the Act to the extent they would establish rates wholly between foreign points, and thus indirectly affect air transportation as defined by the Act:

Agreement CAB	IATA No.	Title	Application
25791:			
R-2	555	Expedited JT23 and JT123 General Cargo Rates (Amending)	2/3; 1/2/3.
25809:			
R-2	501	Minimum Charges for Cargo (Amending)	3.
R-3	005dd	General Increase in Cargo Rates (New)	3.
25813:			
R-3	501	Minimum Charges for Cargo (Amending)	2/3; 1/2/3.
R-4	005hh	General Increase in Cargo Rates (New)	2/3; 1/2/3.

4. It is not found that the following resolution, incorporated in the agreement indicated, affects air transportation as defined by the Act:

Agreement CAB	IATA No.	Title	Application
25816:			
R-4	521c	Shipper Packed Unit Rates (Amending)	2

Accordingly, *it is ordered*, That:

1. Those portions of Agreements C.A.B. 25791, C.A.B. 25792, C.A.B. 25808, C.A.B. 25809, C.A.B. 25812, C.A.B. 25813, and C.A.B. 25816 set forth in finding paragraphs 1 and 2 above be and hereby are approved;

2. Those portions of Agreements C.A.B. 25791, C.A.B. 25809, and C.A.B. 25813 set forth in finding paragraph 3 above be and hereby are approved insofar as they would establish rates wholly between foreign points; and

3. Jurisdiction be and hereby is disclaimed with respect to that portion of Agreement C.A.B. 25816 set forth in finding paragraph 4 above.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] PHYLLIS T. KAYLOR,
Acting Secretary.

[FR Doc.76-15243 Filed 5-24-76;8:45 am]

[Docket 28970]

TRANS WORLD AIRLINES, INC.

Enforcement Proceeding, Postponement of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that the hearing in this proceeding, now scheduled to be held on May 18, 1976 (41 F.R. 15362, April 12, 1976), is hereby postponed to June 3, 1976, at 9:30 a.m., (local time) in Room 1003, Hearing Room D, Universal Building, 1875 Connecticut Avenue, N.W., Washington, D.C.

Dated at Washington, D.C., May 18, 1976.

[SEAL] RONNIE A. YODER,
Administrative Law Judge.

[FR Doc.76-15242 Filed 5-24-76;8:45 am]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

EXEMPT COTTON, WOOL AND MAN-MADE FIBER TEXTILE PRODUCTS FROM THE REPUBLIC OF KOREA

Officials Authorized To Issue Export Visas and Certifications

MAY 20, 1976.

On May 11, 1976, there was published in the FEDERAL REGISTER (41 F.R. 19252), a letter dated May 6, 1976 from the Chairman, Committee for the Implementation of Textile Agreements, to the Commissioner of Customs, announcing that, effective on April 15, 1976, Mr. Park Young Dow, Chief, Quota Management Division, Ministry of Commerce and Industry, would be the official authorized by the Government of the Republic of Korea to issue export visas and certifications for exempt textile products from the Republic of Korea, replacing Mr. Yoo Ho Min. The purpose of this notice is to announce that, at the request of the Government of the Republic of Korea, goods covered by visas or exempt certifications issued by Mr. Minn between April 15 and May 20, 1976 will not be denied entry.

Accordingly, there is published below a letter of May 20, 1976 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs implementing this action.

ALAN POLANSKY,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance, U.S. Department of Commerce.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

MAY 20, 1976.

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20229.

DEAR MR. COMMISSIONER: This directive amends, but does not cancel, the directive of May 6, 1976 from the Chairman of the Committee for the Implementation of Textile Agreements which authorized Mr. Park Yong Dow, effective on April 15, 1976, to issue export visas and certifications for exempt cotton, wool, or man-made fiber textile products exported from the Republic of Korea, replacing Mr. Yoo Ho Min.

Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, pursuant to the provisions of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of June 26, 1975, as amended, between the Governments of the United States and the Republic of Korea, and in accordance with the provisions of Executive Order 11651 of March 3, 1972, the directive of May 6, 1976 is hereby amended to authorize entry into the United States for consumption of goods exported from the Republic of Korea which are covered by visas or exempt certifications issued by Mr. Yoo Ho Min during the period April 15 through May 20, 1976.

The actions taken with respect to the Government of the Republic of Korea and with respect to imports of cotton, wool and man-made fiber textile products from the Republic of Korea have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

ALAN POLANSKY,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance, U.S. Department of Commerce.

[FR Doc.76-15210 Filed 5-24-76;8:45 am]

CONSUMER PRODUCT SAFETY COMMISSION

TECHNICAL ADVISORY COMMITTEE ON POISON PREVENTION PACKAGING

Meeting

Notice is given that the Technical Advisory Committee on Poison Prevention Packaging will meet on June 15, 1976

(9:00 a.m. to 5:00 p.m.) and June 16, 1976 (9:00 a.m. to 12 Noon) at the Consumer Product Safety Commission, 1750 K Street, N.W., 6th Floor Conference Room.

The purpose of the Technical Advisory Committee is to provide advice and recommendations on the types and kinds of packaging that will protect children from injury or illness resulting from handling or ingestion of household substances.

The agenda for the June 15 meeting will include a discussion of outstanding petitions and the regulations covering ammonia. The afternoon session of the meeting will be devoted to further discussion of adult protocol.

On Wednesday, June 16, there will be a discussion of consumer oriented programs of the Consumer Product Safety Commission and presentation of certificates to the outgoing members of the Committee.

Persons wishing to make oral or written presentations to the Committee should notify the Secretary of the Consumer Product Safety Commission at least five days in advance of the meeting. The meeting is open to the public, however, space is limited. Further information concerning this meeting may be obtained from the Office of the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207, phone (202) 634–7700.

Dated: May 19, 1976.

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

[FR Doc.76–15168 Filed 5–24–76;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 547–7; OPP–42011A]

COMMONWEALTH OF PENNSYLVANIA

Approval of State Plan for Certification of Commercial and Private Applicators of Restricted Use Pesticides

Section 4(a)(2) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), and the implementing regulations of 40 CFR Part 171 require each State desiring to certify applicators to submit a plan for its certification programs. Any State certification program under this section shall be maintained in accordance with the State Plan approved under this section.

On March 4, 1976, notice was published in the FEDERAL REGISTER (41 FR 9418) of the intent of the Regional Administrator, EPA Region III, to approve, on a contingency basis, the Commonwealth of Pennsylvania State Plan for Certification of Commercial and Private Applicators of Restricted Use Pesticides (Pennsylvania State Plan). Contingency approval was requested by the Commonwealth of Pennsylvania pending promulgation of regulations pursuant to the "Pennsylvania Pesticide Control Act of 1973". Complete copies of the Pennsylvania State Plan were made available for public inspection at the Agency's Region III office in Philadelphia, Pennsylvania, at the Bureau of Plant Industry, Pennsylvania Department of Agriculture, Harrisburg, Pennsylvania, and at the Agency's Technical Services Division, Federal Register Section, Office of Pesticide Programs, EPA Headquarters, Washington, D.C.

There were no comments received concerning the State Plan during the 30 day comment period.

The Pennsylvania State Plan will remain available for public inspection at Room 102, Agriculture Office Building, 2301 N. Cameron Street, Harrisburg, Pennsylvania.

It has been determined that the Pennsylvania State Plan will satisfy the requirements of Section 4(a)(2) of the amended FIFRA and of 40 CFR Part 171 if proposed regulations implementing the Pennsylvania Pesticide Control Act of 1973 are promulgated by the Pennsylvania Department of Agriculture. Accordingly, the Pennsylvania State Plan is approved contingent upon promulgation of implementing regulations in accordance with and as prescribed in the Pennsylvania State Plan.

This contingency approval shall expire one (1) year from its effective date, if these terms and conditions are not satisfied by that time. On or before the expiration of the period of contingency approval, a notice shall be published in the FEDERAL REGISTER concerning the extent to which these terms and conditions have been satisfied, and the approval status of the Pennsylvania State Plan as a result thereof.

Effective date: Pursuant to Section 4(d) of the Administrative Procedures Act, 5 U.S.C. 553(d), the Agency finds that there is good cause for providing that the one year contingency approval granted herein to the Pennsylvania State Plan shall be effective immediately. Neither the Pennsylvania State Plan itself nor this Agency's contingency approval of the Plan create any direct or immediate obligations on pesticide applicators or other persons in the Commonwealth of Pennsylvania. Delays in starting the work necessary to implement the Plan, such as may be occasioned by providing some later effective date for this contingency approval, are inconsistent with the public interest. Accordingly, this contingent approval shall become effective immediately.

Dated: April 15, 1976.

A. R. MORRIS,
Acting Regional Administrator.

[FR Doc.76–15138 Filed 5–24–76;8:45 am]

[FRL 548–2]

HEALTH RISK AND ECONOMIC IMPACT ASSESSMENTS OF SUSPECTED CARCINOGENS

Interim Procedures & Guidelines

In issuing the Interim Procedures and Guidelines for Health Risk and Economic Impact Assessments of Suspected Carcinogens, I think it appropriate to state once again EPA's approach to regulatory action for suspect carcinogens.

Cancer is the second ranking cause of death in this country; it has a particularly severe impact on the affected individuals and their families in terms of physical and mental suffering and economic costs. There is evidence that a substantial amount of human cancer is caused by chemical and physical agents in the environment. Bioassay programs, currently testing hundreds of substances, are beginning to show that some important industrial and agricultural chemicals are carcinogenic for animals and are, therefore, candidates for regulatory action.

The EPA, by law, has responsibility to regulate many agents which may either cause or promote the development of cancer. At present, EPA is charged with the responsibility to prohibit or restrict the use of carcinogenic pesticides. EPA also has authority to regulate those carcinogens which are emitted directly to the outside air by stationary sources (such as factories) and motor vehicles, or discharged into water from point sources, or found in drinking water. Other agencies such as the Occupational Safety and Health Administration and the Food and Drug Administration also have responsibilities to regulate carcinogens. It is important to emphasize that there are serious regulatory gaps which permit understandable exposure of the public to carcinogens. I have strongly advocated the passage of a toxic substances bill to help close those gaps.

Regulatory action against chemical carcinogens is relatively new. Until the late 1950's, no agents, either chemical or physical, had been regulated in this country on the basis of their carcinogenic action with the sole exception of ionizing radiation, which had been known to cause cancer since the turn of the century. Standards of permissible exposure to ionizing radiation were set by the arbitrary use of safety factors applied to exposure levels that were known to have produced damaging health effects. It was not assumed that these permissible exposure standards were safe but rather that they represented upper limits of exposure with the understanding that actual exposures were to be kept as low as possible. In the debate over the health effects of radioactive fallout from atomic weapons in the 1950's, the evidence for a no-threshold concept for cancer induction emerged, which supported the idea that there is no such thing as a completely safe dose; in other words any exposure, however small, will confer some risk of cancer on the exposed population.

Evidence has accumulated that indicates that the no-threshold concept can also be applicable to chemical carcinogens. On the basis of this concept, the first significant regulatory legislation relating to chemical carcinogens, the Delaney Clause of the Pure Food and Drug Act, imposed a complete ban on any food additive that showed evidence of tumorigenic activity for humans or animals. This statutory requirement represents the approach of eliminating all risk. However, it has become increasingly clear that in many areas risks cannot

be eliminated completely without unacceptable social and economic consequences.

Consonant with this view, the Federal Insecticide, Fungicide, Rodenticide Act (FIFRA), which is the enabling legislation for the control of health hazards for pesticides, requires a balancing of risks and benefits as the basis for final regulatory action. We, thus, have a comparable conceptual basis for the regulation of chemicals as for ionizing radiation where the philosophy has been to eliminate or reduce exposure to the greatest extent possible consistent with the acceptability of the costs involved.

I believe that it is important to emphasize the two-step nature of the decision-making process with regard to the regulation of a potential carcinogen. Although different EPA statutory authorities have different requirements, in general two decisions must be made with regard to each potential carcinogen. The first decision is whether a particular substance constitutes a cancer risk. The second decision is what regulatory action, if any, should be taken to reduce that risk.

With respect to the first decision—whether a particular substance constitutes a cancer risk—in very few cases is it possible to "prove" that a substance will cause cancer in man, because in most instances the evidence is limited to animal studies. In this regard, a substance will be considered a presumptive cancer risk when it causes a statistically significant excess incidence of benign or malignant tumors in humans or animals. However, the decision that a cancer risk may exist does not mean that the EPA will automatically take regulatory action. In the case of pesticides, the decision that a presumptive cancer risk exists will trigger the detailed and independent risk and economic assessments that form the basis for the second decision, namely, what, if any, regulatory action to take to eliminate or restrict the use of the pesticide. In other regulatory areas, for example those under the Clean Air Act, the Federal Water Pollution Control Act, or the Safe Drinking Water Act where a large number of suspect carcinogens may exist in the atmosphere or public water supplies, the detailed risk benefit assessment will, because of limited Agency resources, necessarily have to be carried out on a priority basis in terms of which agents appear to be the most important.

Once the detailed risk and benefit analyses are available, I must consider the extent of the risk, the benefits conferred by the substance, the availability of substitutes and the costs of control of the substance. On the basis of careful review, I may determine that the risks are so small or the benefits so great that no action or only limited action is warranted. Conversely, I may decide that the risks of some or all uses exceed the benefits and that stronger action is essential.

In considering the risks, it will be necessary to view the evidence for carcinogenicity in terms of a warning signal, the strength of which is a function of many factors including those relating to the quality and scope of the data, the character of the toxicological response, and the possible impact on public health. It is understood that qualifications relating to the strength of the evidence for carcinogenicity may be relevant to this consideration because of the uncertainties in our knowledge of the qualitative and quantitative similarities of human and animal responses. In all events, it is essential in making decisions about suspect carcinogens that all relevant information be taken into consideration.

In my opinion, the current guidelines represent a significant improvement in the Agency's approach to the processes of decision-making for carcinogens by providing improved procedures for making risks and benefit assessments while providing the maximum opportunity for public review of the Agency's deliberations. However, while these guidelines should improve Agency procedures, I do not view them as representing a change in the Agency's cancer policy. Earlier regulatory decisions involving various pesticides were also based in each case on a comprehensive evaluation of the scientific evidence and a careful weighing of risks and benefits. These decisions in every instance resulted in selective control measures rather than a complete prohibition of use.

I want to emphasize that I will not permit these new procedural guidelines to unduly delay regulatory decision-making. I will be closely reviewing them to assure that they do not do so. If they do cause undue delay, they will be revised. I would like to point out that these guidelines provide a means of organizing available information rather than requirements for the acquisition of new information.

I believe that the approach presented here is a significant step toward the objective of achieving real benefits in improved public health while avoiding the burden of undesirable regulatory action. I recognize that the aspect of cancer research dealing specifically with the issues involved in decision-making is relatively undeveloped, but hopefully the commitment of this Agency and other Federal agencies to the development of new knowledge in this area will improve the scientific basis for regulatory decisions and that the Interim Procedures and Guidelines will thereby benefit from periodic revision.

I consider it extremely important that the leading government agencies work closely with each other and with experts outside the government in the field of carcinogenicity in the development of government procedures and policies concerning cancer. I am publishing these interim procedures and the guidelines in the FEDERAL REGISTER not only to provide public notice of the approach which EPA will be following in our current activities but also to stimulate commentary from all sources upon that approach. I am also furnishing copies of these Interim Procedures and Guidelines to and requesting the views of the Secretaries of Health, Education, and Welfare, Interior, Labor, Commerce and Agriculture and also the Council on Environmental Quality, the National Academy of Sciences, the National Science Foundation, EPA's Pesticide Policy Advisory Committee and EPA's Science Advisory Board, among others. I also plan to meet personally with leading authorities in this area as part of a continuing process to discuss these cancer policies and exchange information and views.

RUSSELL TRAIN,
Administrator.

MAY 19, 1976.

INTERIM ADMINISTRATIVE PROCEDURES FOR REGULATORY DECISIONS INVOLVING SUSPECTED CARCINOGENS

Procedures described in this paper provide a more uniform Agency approach to regulatory decisions involving cancer risk. Procedure A applies to pesticide decisions involving the cancellation, suspension and registration of potentially carcinogenic pesticides. Procedure B applies to other selected Agency decisions where the pivot factor in the decision is cancer risk.

The purpose of these procedures is to assure that appropriate analyses of the risks and benefits of suspected carcinogenic chemicals are performed as part of the regulatory process. Appendices I and II establish guidelines for risk assessment and economic impact analyses. These guidelines are procedural guidelines and are not intended to affect the substantive regulatory standards of any statute. Therefore, the assessment of the risk posed by potentially carcinogenic substances will be made pursuant to the individual standards of the applicable statute and regulations. Furthermore, these analyses will be carried out within the constraints of Agency resources and will not delay actions by the Agency to address urgent environmental problems.

The Cancer Assessment Group (CAG) is an advisory body comprised of senior scientists from within the Agency with a liaison member from the Department of Health, Education and Welfare. It will also utilize, as appropriate, expert consultants and advisors from various Federal Agencies and the private sector. The CAG will conduct analyses of data related to risk and make recommendations to the lead program office and the appropriate Working Group concerning the risk associated with each suspect carcinogen. These analyses will be directed towards risk assessment and will be conducted independently of economic impact analyses. The CAG will also review the final risk assessment portion of the regulatory package.

APPLICABILITY

For all decisions involving the cancellation, suspension, reregistration and registration of potentially carcinogenic pesticides, Procedure A will be followed inclusive of the preparation of (1) a risk assessment pursuant to the interim guidelines contained in Appendix I and (2) an economic impact analysis pursuant to the interim guideline contained in Appendix II.

For the following rulemaking, where the pivotal factor in the decision is cancer risk, the procedures outlined in EPA Order 1000.6 will be followed, and in addition, a risk assessment pursuant to Appendix I will be prepared and will be reviewed in accordance with Procedure B:

1. Proposed regulations to augment the current list of toxic substances published

pursuant to Section 307(a) of the FWPCA and any standard proposed under this augmented list.

2. Primary drinking water regulations or revisions thereof under Section 1412 of SDWA.

3. Additions to or revisions of the water quality criteria (pursuant to Section 304(a) of FWPCA) currently pending publication, except that detailed exposure patterns and estimates of cancer risk need not be prepared.

4. Proposed technology-based regulations or revisions pursuant to Sections 301, 304, 306, 307(b) and 307(c) of the FWPCA (proposed after April 1, 1977), and Section 111 of the CAA, except that detailed exposure patterns and estimates of cancer risk need not be prepared.

For all other rulemaking under existing legislation which involves the regulation of a potential carcinogen(s), and which is not currently under development, the determination of whether and to what extent to use Appendix I and Procedure B will be made at the time the Administrator approves the plan for such rulemaking.

Where the development of a surrogate parameter is being proposed to regulate one or more potential carcinogens and perhaps other pollutants (e.g., a total organic carbon standard for drinking water), the risk assessment, as required above, will address at least one of the potential carcinogens and should address, to the extent feasible, as many of the others as possible.

All risk assessments need only be based on currently available information. These procedures do not require the undertaking of research or monitoring to expand the available data base.

A. Procedure for pesticide decisions involving potential carcinogens. This procedure is similar to the current procedure for informal rulemaking set forth by EPA Order 1000.6.

1. Formation of the working group. The Deputy Assistant Administrator for Pesticides, in cooperation with the Office of Planning and Management, establishes a working group.

2. OPP/working group responsibility. The Office of Pesticide Programs (OPP), in consultation with the Working Group, is responsible for developing a Data Summary Report, a Position Document (including health risk assessment and the economic impact analysis) and a proposed FEDERAL REGISTER notice at the appropriate points in the regulatory process. Guidelines for health risk assessment and economic anlaysis are included as Appendices I and II.

3. Review of a suspect chemical prior to reregistration or the issuance of a rebuttable presumption against registration (RPAR).

a. Data relevant to the carcinogenicity of a pesticide is submitted to the CAG for review and comment. Following review by the CAG, a Data Summary Report is prepared by OPP and the Working Group. This report includes a summary of all available data relevant to carcinogenicity.

b. A draft Position Document including the Data Summary Report, a summary of the issues surrounding potential regulatory actions, and a proposed FEDERAL REGISTER notice are presented to the Pesticide Chemical Review Committee (PCRC) which includes a representative from the CAG.

c. On the basis of PCRC comments, the OPP and the Working Group revise the draft Position Document and the FEDERAL REGISTER notice. The PCRC reviews the revised package.

d. The package recommending a reregistration or the issuance of a RPAR goes to the Deputy Assistant Administrator for Pesticide Programs for a final decision.

4. Post-RPAR: Issuance of a notice of intent to cancel, suspend or reregister.

a. After a RPAR is issued, and rebuttal information if any is submitted, the OPP and the Working Group develop a final Position Document. This document includes a summary of all information available in rebuttal of the RPAR, a recommended finding on whether or not the presumption against registration has been rebutted (including the risk assessment), economic impact analysis as necessary, a summary of the issues surrounding potential regulatory actions, and a draft FEDERAL REGISTER notice.

b. The final Position Document is reviewed by PCRC and the risk assessment is reviewed by CAG.

c. If the decision is to reregister the product, a notice to this effect is published in the FEDERAL REGISTER.

d. If the decision is to cancel or suspend the product, the proposed notice of intent to cancel or suspend is forwarded to USDA and the Scientific Advisory Panel for comment, pursuant to the 1975 amendments to Section 6(b) of FIFRA. However, if it is determined that suspension of the pesticide is necessary to prevent an imminent hazard to humans, the 1975 amendments provide for waiver of the requirement for consultation with USDA and the Scientific Advisory Panel.

The notice of intent to register, cancel or suspend, including the risk assessment and economic impact analyses, is circulated for General Counsel and Assistant Administrator concurrence and forwarded to the Administrator for a final decision.

B. Other rulemaking to regulate carcinogens. All other Agency decisions involving carcinogenesis as the pivotal factor will follow EPA Order 1000.6 with the following additions:

1. The CAG will review the relevant data during the development of the rulemaking and make recommendations to the lead office and the working group regarding the interpretation of the data and provide other advice, as appropriate, concerning the risk assessment.

2. The CAG will review that portion of the rulemaking package containing the risk assessment. CAG comments will be presented to the Steering Committee.

C. External scientific review. In addition to the external reviews required by statute and the 1000.6 process, other external scientific review will be obtained in appropriate cases as determined by the lead program office. This review may take place at any time in the development of the regulatory package.

While risk and economic impact analyses may be reviewed externally, regulatory recommendations will not normally be submitted for external review. Reviewers for risk analyses may be from the Science Advisory Board, National Cancer Institute, or other appropriate Institutions.

APPENDIX I

INTERIM GUIDELINE FOR CARCINOGEN RISK ASSESSMENT

1.0 Introduction. This preliminary guideline describes the general framework to be followed in developing an analysis of carcinogen risks and some salient principles to be used in evaluating the quality of data and formulating judgments concerning the nature and magnitude of the cancer hazard from suspect carcinogens.

This guideline is to be used within the policy framework already provided by applicable statutes and does not alter such policies. The guideline provides a general format for analyzing and organizing available data. It does not imply that one kind of data or another is prerequisite for regulatory action to control, prohibit, or allow the use of a carcinogen. Also, the guideline does not change any statutory-prescribed standards as to which party has the responsibility of remonstrating the safety, or alternatively the risk, of an agent.

The analysis of health risks will be carried out independently from considerations of the socio-economic consequences of regulatory action.

The risk assessment document will contain or identify by reference the background material essential to substantiate the evaluations contained therein.

2.0 General Principles Concerning the Assessment of Carcinogenesis Data. The central purpose of the health risk assessment[1] is to provide a judgment concerning the weight of evidence that an agent is a potential human carcinogen and, if so, how great an impact it is likely to have on public health.

Judgments about the weight of evidence involve considerations of the quality and adequacy of the data and the kinds of responses induced by the suspect carcinogen. The best evidence that an agent is a human carcinogen comes from epidemiological studies in conjunction with confirmatory animal tests. Substantial evidence is provided by animal tests that demonstrate the induction of malignant tumors in one or more species including benign tumors that are generally recognized as early stages of malignancies. Suggestive evidence includes the induction of only those nonlife shortening benign tumors which are generally accepted as not progressing to malignancy, and indirect tests of tumorigenic activity, such as mutagenicity, in-vitro cell transformation, and initiation-promotion skin tests in mice. Ancillary reasons that bear on judgments about carcinogenic potential, e.g., evidence from systematic studies that relate chemical structure to carcinogenicity should be included in the assessment.

When an agent is judged to be a potential human carcinogen, estimates should be made of its possible impact on public health at current and anticipated levels of exposure. The available techniques for assessing the magnitude of cancer risk to human populations on the basis of animal data only are very crude due to uncertainties in the extrapolation of dose-response data to very low dose levels and also because of differences in levels of susceptibility of animals and humans. Hence, the risk estimates should be regarded only as rough indications of effect. Where appropriate, a range of estimates should be given on the basis of several modes of extrapolation.

Expert scientific judgments in the areas of toxicology, pathology, biometry, and epidemiology are required to resolve uncertainties about the quality, adequacy, and interpretation of experimental and epidemiology data to be used for the risk assessment.

3.0 Format of the Risk Analysis.

3.1 Exposure Patterns. This section should summarize the known and possible modes of exposure attendant to the various uses of the

[1] This health risk assessment is part of the risk-benefit analyses. In actions taken to regulate pesticides, this assessment is made after a determination that a health risk exists.

agent. It should include or identify by reference available data on factors relevant to effective dosage, physical and chemical parameters, e.g., solubility, particle size for aerosols, skin penetration, absorption rates, etc. Interaction of agents which may produce a synergistic or antagonistic effect should also be indicated, if available.

3.2 Metabolic Characteristics. This section should summarize known metabolic characteristics including transport, fate and excretion, and biochemical similarities to other known classes of carcinogens at high and low dose levels and should provide comparisons between relevant species as well as variations in different strains of certain species.

3.3 Experimental Carcinogenesis Studies. Available experimental reports should be summarized. If some experiments are to be rejected for the risk assessment, give reasons for doing so. Reprints of key papers and reports should be included as appendices to the analysis.

Judgements should be provided on the quality of the experimental data and their interpretations for each study on the basis of (a) experimental protocols, (b) survival rates in controls particularly in relation to acceptance of negative results, (c) incidence of spontaneous tumors in the control compared to general laboratory experience for the same species or strain, (d) diagnostic criteria and nomenclature used for tumor characterization (additional evaluation of histological material should be obtained when appropriate), and (e) observed results of positive controls (i.e., a test group given a standardized exposure to a known carcinogen) in light of expected results.

3.4 Epidemiological Studies. Summarize epidemiological studies, together with critiques of the work with respect to its limitations and significance. Summarize other published critiques whether supportive or at variance with the judgement made here.

3.5 Cancer Risk Estimates.

3.5.1 Exposure Patterns. Describe likely exposure levels with respect to long-term temporal trends, short-term temporal patterns, and weighted averages for both the total exposed populations and for subgroups whose exposure patterns may be distinctly different from the average. Characterize, to the extent possible, the size of the exposed population for each of the above categories with an indication of whether the exposures are likely to involve children and pregnant women. Discuss the adequacy of the methods used to estimate exposures and indicate the range of uncertainty in the estimates.

3.5.2 Dose-Response Relationships. Both human and animal data should be used as available. Include available human data, even if inadequate for a characterization of the actual magnitude of risk, where such data could be helpful in interpreting animal responses in relation to human sensitivity.

3.5.3 Estimates of Cancer Risk. The procedure will involve a variety of risk extrapolation models, e.g., the linear non-threshold model and the log-probit model. Analyses will be done separately for all suitable experimental data and human epidemiological data. The results should be presented in terms of excesss lifetime incidence, or average excess cancer rates; life-shortening estimates should also be made when the data permit. The uncertainty in the data and extrapolation techniques should be clearly indicated. The results predicted for humans should be presented in relationship to the current cancer experience in the assumed target organ(s).

Some judgements should be included regarding the relevance of the mode of exposure used in animal studies to that associated with human exposure.

4.0 Summary. The summary section of the risk assessment should provide a statement which encompasses answers to the following questions: (1) How likely is the agent to be a human carcinogen? (2) If the agent is a human carcinogen, what is the estimated impact on human health?

APPENDIX II

INTERIM GUIDELINE FOR ECONOMIC IMPACT ANALYSIS OF PROPOSED REGULATORY ACTIONS TO CONTROL CARCINOGENIC PESTICIDES

The purpose of this guideline is to define the factors to be considered and the procedures to be utilized in assessing the economic impact resulting from future regulatory actions, (as described below) affecting carcinogenic pesticides. Economic impact assessment for other regulatory actions to control environmental carcinogens will follow established agency procedures.

The principal concern in the economic analysis will be the assessment of economic impacts on pesticides users and on the consumers of the products of the users. The impacts on pesticide manufacturers are not germane to this type of regulatory decision, in which the risk of the use of a pesticide is compared to the benefit of those uses.

As used in this guideline the economic impact of the regulation is equated to the anticipated loss in benefit from use of the pesticide. For agricultural pesticides the analysis will focus on the impacts on farmers, farm productivity, and consumer costs associated with farm productivity. Similarly, analyses of other pesticides will focus on the impacts on other user groups and related effects on the economy.

Regulatory procedures. The purpose of this section of the guidelines is to define how the economic impact analysis fits into the regulatory framework for pesticide-related actions.

If a pesticide meets or exceeds criteria defined in 40 CFR 162.11, a Rebuttable Presumption Against Registration (RPAR) will be issued. The Agency will analyze any rebuttal information that is submitted; it may also take into account other available information to determine whether the RPAR has been rebutted. At the conclusion of this risk assessment, the Administrator will be presented with sufficient evidence to determine if the use of a pesticide poses the risk of a significant adverse effect. If such is the case, then the Administrator must determine what type of regulatory response is warranted.

In making that decision, 40 CFR 162.11 provides that the Administrator will be provided with a preliminary assessment of the benefits of the use of the pesticide. Furthermore, § 162.11 essentially provides: (1) That if the risks appear to outweigh the benefits, the Administrator will issue a notice of intent to cancel, which may lead to a full adjudicatory hearing on the question of whether the pesticide causes or will cause unreasonable adverse effects on the environment, or (2) if the benefits appear to outweigh the risks, the Administrator will either issue a notice of intent to hold a hearing (adjudicatory or non-adjudicatory) or a notice of intent to register. Such notice of intent to register provides an opportunity for a hearing upon request (accompanied by submission of a statement of factual reasons) of an interested party that a hearing is warranted. The decision to cancel reached at this time will not result in the removal of a product from the market if the decision is contested. Instead, any such regulatory action will be preceded by a hearing to weigh fully the risks and benefits of the uses of a product.

The benefit evidence provided to the Administrator at this stage is by definition a preliminary staff analysis. A specific effort will be made by the Agency to contact parties that have an interest in the use of the pesticide and to attempt to solicit their comments on the benefits of the pesticide under review. In particular, EPA intends that the U.S. Department of Agriculture will be heavily relied upon from the earliest stages of review to provide its special expertise and data resources on uses.

Because of the many variables surrounding the multiple uses of different pesticides, the benefit or economic impact analysis must of necessity be done on a case-by-case basis. All relevant economic considerations raised in criticisms of the preliminary benefit analysis will be addressed prior to final action.

Content of the economic impact analyses

Based upon all the available information, a preliminary analysis will be developed. Such analysis will be organized in the following manner:

1. Identification of the major uses of the pesticide, including estimated quantities used by crop or other application.

2. Preliminary identification of the minor uses of the pesticide, including estimated quantities used by category such as lawn and garden uses and household uses.

3. Identification of registered alternative products for the uses set forth in (1) and (2) above, including an estimate of their availability.

4. Determination of the change in costs to the use of providing equivalent pesticide treatment with any available substitute products.

5. Assessment of regulation impact upon user productivity (e.g., yield per acre and/or total output) from using available substitute pesticides or from using no other pesticide.

6. If the impacts upon either user costs or productivity are significant, a qualitative assessment of the regulation's impact on production of major agricultural commodities and retail food prices of such commodities.

[FR Doc.76-15254 Filed 5-24-76;8:45 am]

[FRL 547-8; PP4G1495/T59]

RENEWAL OF A TEMPORARY TOLERANCE

2-Ethoxy-2,3-Dihydro-3,3-Dimethyl-5-Benzofuranyl Methanesulfonate

On March 11, 1976, the Environmental Protection Agency (EPA) announced (41 FR 10476) that in response to a request from the Fisons Corp., Agricultural Chemicals Div., Two Preston Court, Bedford MA 01730, the temporary tolerances which were established in response to pesticide petition (PP 4G1495) (40 FR 6389) for combined residues of the herbicide 2-ethoxy-2,3-dihydro-3,3-dimethyl-5-benzofuranyl methanesulfonate and its metabolites 2 - hydroxy-2,3-dihydro-3,3-dimethyl - 5-benzofuranyl methanesulfonate and 2,3-dihydro-3,3-dimethyl-2-oxo - 5-benzofuranyl methanesulfonate (both calculated as the parent compound) in or on the raw agricultural commodities sugarbeet tops at 1 part per million (ppm), sugarbeet roots at 0.1 ppm, and in the meat, fat, and meat byproducts cattle, goats, hogs, horses, and sheep at 0.03 ppm, were extended until April 4, 1976.

Fisons Corp. has requested a one-year renewal of these temporary tolerances both to permit continued testing to obtain additional data and to permit the marketing of the above raw agricultural commodities treated in accordance with three experimental use permits, the original temporary permit that is being renewed as an experimental use permit, and two which are to be issued, concurrently under the Federal Insecticide, Fungicide, and Rodenticide Act.

An evaluation of the scientific data reported and other relevant material has shown that these tolerances are adequate to cover residues resulting from the proposed experimental use and that a renewal of these temporary tolerances will protect the pubic health.

It has been concluded, therefore, that the temporary tolerances should be renewed on condition that the pesticide be used in accordance with the experimental use permits with the following provisions:

1. The total amount of the pesticide to be used must not exceed the quantity authorized by the experimental use permits.

2. Fisons Corp. must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The firm must also keep records of production, distribution, and performance and on request make the records available to any authorized officer or employee of EPA or the Food and Drug Administration.

These temporary tolerances expire May 17, 1977. Residues not in excess of 1 ppm in or on sugarbeet tops, 0.1 ppm in or on sugarbeet roots, and 0.03 ppm in the meat, fat and meat byproducts of cattle, goats, hogs, horses, and sheep remaining after this expiration date will not be considered to be actionable if the pesticide is legally applied during the term of and in accordance with the provisions of the experimental use permits and temporary tolerances. These temporary tolerances may be revoked if the experimental use permits are revoked or if any scientific data or experience with this pesticide indicate that such revocation is necessary to protect the public health.

(Sec. 408(j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(j)).)

Dated: May 17, 1976.

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

[FR Doc.76-15139 Filed 5-24-76;8:45 am]

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

MARINE DEVELOPMENT GROUP LTD.

Intent To Grant Exclusive Patent License

Notice is hereby given of an intent to grant to Marine Development Group Ltd. of Toronto, Canada, an exclusive license to manufacture, use, and sell in the United States the invention described in U.S. Patent No. 3,687,804, entitled "Compact and Safe Nuclear Reactor", issued August 29, 1972 to the United States of America as represented by the U.S. Atomic Energy Commission, now the U.S. Energy Research and Development Administration. A copy of the subject patent can be obtained from the U.S. Patent and Trademark Office, Washington, D.C. 20231. The proposed license will have a duration of five years, will be royalty bearing, and will contain other terms and conditions to be negotiated by the parties in accordance with Energy Research and Development Administration patent licensing regulations, Title 10 CFR Part 781. ERDA will grant the license unless within sixty days of this Notice the Assistant General Counsel for Patents, Energy Research and Development Administration, Washington, D.C. 20545, receives in writing any of the following together with supporting documents:

(i) A statement from any person setting forth reasons why it would not be in the best interest of the United States to grant the proposed license; or

(ii) An application for a nonexclusive license to manufacture, use, or sell the invention in the United States in accordance with Title 10 CFR 781, in which applicant states that he has already brought the invention to practical application or is likely to bring the invention to practical application expeditiously.

The Assistant General Counsel for Patents will review all written responses to this Notice and will provide opportunity for a hearing before granting the exclusive license.

Dated at Germantown, Maryland, this 10th day of May, 1976.

JAMES E. DENNY,
Assistant General Counsel
for Patents.

[FR Doc.76-15153 Filed 5-24-76;8:45 am]

NATIONAL PLAN FOR ENERGY RESEARCH, DEVELOPMENT AND DEMONSTRATION

Public Meetings

The Energy Research and Development Administration (ERDA) announces the second in a series of public meetings on its 1976 National Plan for Energy Research, Development and Demonstration, Creating Energy Choices for the Future (ERDA 76-1). The meeting will be held June 21-22, in Chicago, Illinois, at the Palmer House Hotel with the sessions beginning at 8:30 a.m. on both days.

The purpose of the public meetings is to acquaint the public with ERDA's long-term comprehensive energy plan and to elicit public comment on all aspects of Federal energy research, development and demonstration, including emerging energy technologies. It is ERDA's intent to conduct a meaningful dialogue with local, state and regional groups and citizens concerning regional energy issues. These meetings are a major element in that process. Public meetings in San Francisco and Boston are planned for later this year. Details, times and locations of these additional public meetings wil be announced in future notices.

The format of the public meetings is designed to assure a meaningful dialogue between ERDA and the concerned public in the various regions. A panel composed primarily of ERDA Assistant Administrators responsible for the energy production, environment and safety, and conservation technologies described in the National Plan will be present at each public meeting to explain the purpose and content of the Plan and to receive the comments of the public. The moderator for the sessions will be announced prior to each public meeting.

Single copies of the Plan may be obtained free of charge by writing US-ERDA, Technical Information Center, P.O. Box 62, Oak Ridge, Tennessee 37830. Copies will also be available for inspection at ERDA Headquarters (20 Massachusetts Avenue, N.W., Washington, D.C.) and at all ERDA Operations Offices.

A notice of intent to make a presentation at the Chicago meeting should be addressed to Mr. R. E. Shannon, Energy Research and Development Administration, Chicago Operations Office, 9800 South Cass Avenue, Argonne, Illinois 60349.

This notice of intent should set forth:

1. The name and address of the participant;

2. The nature of the participant's interest in the National Plan, and the participant's organizational affiliation, if any;

3. The length of time requested for the presentation; and

4. Where practicable, the text of any statements to be presented, or a reasonably detailed summary thereof.

The notice to make a presentation must be received no later than one week in advance of the meeting to ensure scheduling. An effort will be made to schedule the full time requested, but, in order to assure all participants a fair opportunity to present their views within the time constraints, the presentations may be limited in length. Interested persons who have not filed a timely notice of intent to make a presentation may notify the moderator during the meeting of their desire to become participants. If time permits, the moderator will allow these persons the opportunity to make formal presentations.

Time will also be allotted during each public meeting to permit members of the audience to pose appropriate questions to the panel. Persons who do not wish to make an oral presentation, or whose schedules do not permit appearance at the meeting may submit a written statement to ERDA for consideration. The statements should be sent to the aforementioned address.

Dated at Washington, D.C., the 17th day of May 1976.

For the Energy Research and Development Administration.

RAYMOND G. ROMATOWSKI,
Assistant Administrator
for Administration.

[FR Doc.76-15154 Filed 5-24-76;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 20798, File No. 1530-C5-P-72; Docket No. 20799, File No. 3284-C5-P-72]

DAYTON COMMUNICATIONS CORP. AND BUCKEYE CABLEVISION, INC.

Construction Permits

In re the applications of Dayton Communications Corp. and Buckeye Cablevision, Inc. For construction permits in the Multipoint Distribution Service for a new station at Toledo, Ohio.

1. The Commission has before it the above-referenced applications of Dayton Communications Corporation (Dayton), filed on September 22, 1971, and Buckeye Cablevision, Inc. (Buckeye), filed on December 3, 1971. Both applications propose Channel 1 operation in the Multipoint Distribution Service (MDS) in the Toledo, Ohio area, and thus are mutually exclusive and require comparative consideration. Both applications have been amended as a result of informal requests of the Commission staff for additional information, and no petitions to deny or other objections to any of the applications have been received.

2. Dayton holds MDS construction permits in Cincinnati, Columbus, and Dayton, Ohio, and Lexington, Kentucky and is providing MDS service in Dayton and Cincinnati, Ohio. Buckeye, wholly-owned by the Toledo Blade Company, which owns newspapers in Toledo and is licensee of WLIO(TV) in Lima, Ohio, owns and operates a CATV system in Toledo, Ohio.

3. Upon review of the captioned applications, we find that both the applicants are legally, technically, financially and otherwise qualified to provide the services which they propose and that a hearing will be required to determine, on a comparative basis, which of these applications should be granted.

4. Accordingly, *it is hereby ordered*, That pursuant to Section 309(e) of the Communications Act of 1934 and Section 0.291 of the Commission's Rules, the above-captioned applications are designated for hearing, in a consolidated proceeding, at the Commission's offices in Washington, D.C., on a date and before an Administrative Law Judge to be specified by later order, to determine, on a comparative basis, which of the above-captioned applications should be granted in order to best serve the public interest, convenience, and necessity. In making such a determination, the following factors shall be considered: [1]

(a) The relative merits of each proposal with respect to service area and efficient frequency use;

(b) The nature of the services and facilities proposed, and whether they will satisfy service requirements known to exist or likely to exist in the Toledo, Ohio area.

(c) The anticipated quality and reliability of the service proposed, including selection of equipment, installation, subscriber security, and maintenance.

(d) The charges, regulations and conditions of the service to be rendered and their relation to the nature, quality and costs of service; and

(e) The managerial and entrepreneurial qualifications of the applicants.

5. *It is further ordered*, That Dayton Communications Corporation and Buckeye Cablevision, Inc., and the Chief, Common Carrier Bureau are made parties to this proceeding.

6. *It is further ordered*, That parties desiring to participate herein shall file their notices of appearance in accordance with the provisions of Section 1.221 of the Commission's Rules.

Adopted: April 29, 1976.

Released: May 18, 1976.

JOSEPH A. MARINO,
Deputy Chief for Chief, Common Carrier Bureau.

[FR Doc.76-15187 Filed 5-24-76;8:45 am]

[1] Consideration of these factors shall be made in light of the Commission's discussion in Peabody Telephone Answering Service, et al., 55 F.C.C. 2d 626 (1975)

[FCC-76-438]

FM RULES RELATING TO POWER VS. HEIGHT

Interim Policy Adoption

MAY 19, 1976.

In concluding our rulemaking which culminated in the adoption of revised FM field strength curves, Report and Order in Dockets 16004 and 18052, 53 FCC 2d 855, 34 RR 2d 361 (1975), we did not amend figure 3 of section 73.333 of our rules. Figure 3 contains power versus height curves for class A, B, and C FM stations and governs the reductions in power arising from the use of tall towers. We are presently preparing a replacement for figure 3 which takes into account the effect of the new field strength curves. Until such time as figure 3 is replaced, we will follow a policy of processing and granting applications with the average of the heights above average terrain for the eight radials greater than the maximum for the class of station provided that the distance to the 1 mV/m (60 dBu) contour is no greater than would occur if the station operated with the maximum power and height for the class of station. These determinations are, of course, made with the newly-adopted F(50,50) field strength curves. Thus, proposals with average heights above average terrain greater than the following values may propose powers such that the distance to the proposed 60 dBu contour does not exceed the specified distances:

Class	Height	Distance
	Feet	*Miles*
A	300	14.5
B	500	32.5
C	2,000	57.5

While this reflects a new Commission policy, this does not eliminate the necessity of complying with our agreements with Canada and Mexico. Thus, stations within 250 miles of the Canadian-United States border must comply with the Working Arrangement for Allocation of FM Broadcasting Stations on Channels 221-300 under the Canada-United States FM Agreement of 1947. And stations within 199 miles of the Mexican-United States border must comply with the Agreement Between the United States of America and the United Mexican States Concerning Frequency Modulation Broadcasting in the 88 to 108 MHz Band.

Stations within the border areas which must operate with less than maximum power and height for the class of station in accordance with section 73.213 because they are short-spaced with domestic stations may utilize the policy we adopt here to increase power provided that the limits in our agreements with Canada and Mexico are not exceeded.

Stations whose 60 dBu contours presently exceed the specified distances do not fall under this interim policy.

When the new figure 3 is finally adopted, stations which were authorized increased facilities under this interim policy may be required to slightly reduce power to bring them into accordance with the new figure 3.

This policy does not apply to television applications. The Commission is presently considering an interim policy concerning television applications; it will be released at a later date.

Action by the Commission May 11, 1976. Commissioners Wiley (Chairman), Lee, Hooks, Quello, Washburn and Robinson.

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

[FR Doc.76-15217 Filed 5-24-76;8:45 am]

[Report No. 981]

PETITIONS FOR RECONSIDERATION
Rule Making Proceedings Filed

MAY 14, 1976.

Docket or RM No.	Rule No.	Filed by—	Date received
19816		In the matter of ascertainment of community problems by noncommerical educational broadcast applicants; amendment of sec. IV (statement of program service) of FCC broadcast application forms 340 and 342 (noncommercial educational broadcast applications); and formulation of rules and policies relating to the renewal of noncommercial educational broadcast licenses:	
		Oscar Jackson and Jacob Bernstein, Cochairpeople for Committee for Community Access.	Apr. 20, 1976
		Daniel W. Toohey and Richard D. Marks, attorneys for University of Nebraska, Nebraska Educational Television Commission, South Carolina Educational Television Network, State of Wisconsin, Educational Communications Board.	Apr. 21, 1976
		Marvin J. Diamond, attorney for Alabama Educational Television Commission.	Apr. 26, 1976
		Louis Schwartz, Robert A. Woods, and Lawrence M. Miller, attorneys for the Maryland Center for Public Broadcasting.	Do.
		Theodore D. Frank, attorney for Georgia State Board of Education	Do.
		Louis Schwartz, Robert A. Woods, and Lawrence M. Miller, attorneys for the University of North Carolina.	Do.
19528		In the matter of proposals for new or revised classes of interstate and foreign message toll telephone service (MTS) and wide area telephone service (WATS):	
		Vincent Gallogly, attorney for GTE Service Corp. and its affiliated domestic telephone operating companies.	Apr. 19, 1976
		Joe H. Hunt, assistant vice president and Edward L. Friedman, William L. Leonard, Cornelia McDougald, and Mary M. Waterstone, attorneys for the Bell System Co.	Apr. 26, 1976
		Gerald A. Poch, attorney for International Telephone & Telegraph Corp.	Do.

NOTE:—Oppositions to petitions for reconsideration must be filed within 15 d after publication of this public notice in the FEDERAL REGISTER. Replies to an opposition must be filed within 10 d after time for filing oppositions expired.

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

[FR Doc.76-15191 Filed 5-24-76;8:45 am]

RCA GLOBAL COMMUNICATIONS, INC. AND WESTERN UNION TELEGRAPH CO.
FCC Opens NASA Request for Declaratory Ruling to Public Comment

MAY 17, 1976.

On May 5, 1976, the National Aeronautics and Space Administration (NASA) filed a request for declaratory ruling on whether RCA Global Communications, Inc. and The Western Union Telegraph Company may provide NASA with services from a Tracking and Data Relay Satellite System (TDRSS) pursuant to a long-term fixed-rate contract rather than pursuant to a tariff filed under Section 203 of the Communications Act of 1934, as amended.

Inasmuch as NASA's request raises significant issues affected with the public interest, the Chief, Common Carrie Bureau, pursuant to Section 0.91 of the Commission's Rules, hereby affords all interested persons the opportunity to file comments on NASA's request within thirty (30) days of the publication date of this notice in the FEDERAL REGISTER. Replies to the comments must be filed within ten (10) days after the last day on which comments may be filed.

NASA's request for declaratory ruling is available for inspection at the Commission's Offices, 1919 M Street NW., Washington, D.C.

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

[FR Doc.76-15193 Filed 5-24-76;8:45 am]

[Report No. I-232]

SATELLITE COMMUNICATIONS SERVICES
International and Satellite Radio 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 from the date of this notice. Section 309(d)(1).

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

SATELLITE COMMUNICATIONS SERVICES

313-DSE-P/L-76, Cablevision of Augusta, Inc., Augusta, Georgia. For authority to construct and operate a Domestic Communications satellite earth station at this location. (Receive-Only). Lat. 33°28'18", Long. 82°01'40". Rec. freq: 3700–4200 MHz. Emission of 36000F9. Using a 10 meter antenna.

315-DSE-P/L-76, Harris Corporation Electronic Systems Division, Palm Bay, Florida. For authority to constuct and operate a domestic communications satellite earth station at this location. Lat. 28°01'57", Long. 80°35'50". Rec. freq: 3700–4200 GHz. Trans. freq: 5925–6425 GHz. Emission of 36000F9. Using an 11 meter antenna.

316-DSE-P/L-76, Trans-AM Communications Company, a Division of the Eastern Oklahoma Co., Inc., Ada, Oklahoma. For authority to construct and operate a Domestic Communications Satellite Earth Station at this location. (Receive-Only). Lat. 34°46'53", Long. 96°39'18". Rec. freq: 3700–4200 MHz. Emission of 36000F9. Using an 11 meter antenna.

317-DSE-P/L-76, RCA Alaska Communications, Inc., Minto, Alaska. For authority to construct a communications satellite earth station at this location for operation with a domestic communications satellite system. Lat. 65°09'25", Long. 149°19'48". Rec. freq: 3700–4200 MHz. Trans. freq: 5925–6425 MHz. Emission of 25.7F9. Using a 4.5 meter antenna.

318-DSE-P/L-76, RCA Alaska Communications, Inc., Manley Hot Springs, Alaska. For authority to construct a communications satellite earth station at this location for operation with a domestic communications satellite system. Lat. 65°00'00", Long. 150°38'10". Rec. freq: 3700–4200 MHz. Trans. freq: 5925–6425 MHz. Emission of 25.7F9. Using a 4.5 meter antenna.

319-DSE-P/L-76, RCA Alaska Communications, Inc., Nelson Lagoon, Alaska. For authority to construct a communications satellite earth station at this location for operation with a domestic communications satellite system. Lat. 56°00'04", Long. 161°12'03". Rec. freq: 3700–4200 MHz. Trans. freq: 5925–6425 MHz. Emission of 25.7F9. Using a 4.5 meter antenna.

320-DSE-P/L-76, RCA Alaska Communications, Inc., Perryville, Alaska. For authority to construct a communications satellite earth station at this location for operation with a domestsic communications satellite system. Lat. 55°54'45" Long., 159°-08'34". Rec. freq: 3700–4200 MHz. Trans. freq: 5925–6425 MHz. Emission of 25.7F9. Using a 4.5 meter antenna.

321-DSE-P/L-76, RCA Alaska Communications, Inc., Transportable Fixed Location. For authority to construct a transportable communications satellite earth station for operation with a domestic communications satellite system at temporary fixed locations within the State of Alaska. Rec. freq: 3700–4200 MHz. Trans. freq: 5925–6425 MHz. Emissions 45F9, 40F3 and 36000F5 (TV receive Only). Using a 4.5 meter antenna.

322-DSE-P-76, CPI Satellite Telecommunications, Inc., N. Little Rock, Arkansas. For authority to construct and operate a domestic communications satellite Receive-Only earth station at this location. Lat. 34°48'59", Long. 92°17'56". Rec. freq: 3700–4200 MHz. Emission of 36000F9. Using a 10 meter antenna.

323-DSE-P/L-76, Sunflower Cablevision, a Division of The World Company, Lawrence, Kansas. For authority to construct, own and operate a domestic communications satellite Receive-Only earth station at this location. Lat. 38°57'21", Long. 95°12'28". Rec. freq: 3700–4200 MHz. Emission 36000F9. Using a 10 meter antenna.

324-DSE-P/L-76, Hobbs Cablevision, Inc., Hobbs, New Mexico. For authority to construct and operate a domestic communications Receive-Only satellite earth station at this location. Lat. 32°42'07", Long. 103°05'21". Rec. freq: 3700–4200 GHz. Emission of 34000F9. Using a 10 meter antenna.

3331-DSE-AL-76, Hayward Cable Television, Inc., (KB66), Hayword, California. For authority of Consent to Assignment of License from Hayward Cable Television, Inc. (Assignor) to Satellite Transmission and Receiving Company (United Cable Television Corporation and Teleprompter Corporation) (Assignee) for a Receive-Only earth station.

332-DSE-ML-76, Hayward Cable Television, Inc., (KB66), Hayward, California. For authority to Modify existing operational authorization to provide communications services to Hayward Cable Television, Inc. and Teleprompter Corporation.

333-DSE-R-76, General Electric Radio Services Corp. (WB22), Valley Forge, Pennsylvania. Renewal of license (17-DSE-L-75) for a Developmental Fixed earth station at this location. From: April 8, 1976, to: April 8, 1977.

Amendment, Western Union Telegraph Company, Kipapa Oahu, Hawaii. File number 71-DSE-P-71 amended to change the antenna size from a 50 foot antenna to a 33 foot one.

Amendment, Teleprompter Corporation, Johnstown, Pennsylvania. File number 133-DSE-P/L-76 amended to clarify that the facility is to be operated as a common carrier facility providing the programming of Home Box Office, Inc. to those entities in the Johnstown area which are authorized to receive HBO programming.

Correction, Report No. I-218 dated 4-5-76, ITT Space Communications, Ramsey, New Jersey. File number should not have been 243-CSG-P/L-76, the correct number should have been 314-DSE-P/L-76.

[FR Doc.76-15192 Filed 5-24-76;8:45 am]

FEDERAL ENERGY ADMINISTRATION

CASES FILED WITH THE OFFICE OF EXCEPTIONS AND APPEALS

Week of May 7 Through May 14, 1976

Notice is hereby given that during the week of May 7 through May 14, 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 of the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of those regulations, the date of service of notice shall be deemed to be the date of publication of this notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first.

DAVID G. WILSON,
Acting General Counsel.

MAY 20, 1976.

APPENDIX.—*List of cases received by the Office of Exceptions and Appeals—May 7 to 14, 1976*

Date	Name and location of applicant	Case No.	Type of submission
May 7, 1976	Placid Oil Co., Washington, D.C. (If granted: FEA's Apr. 9, 1976, decision and order would be rescinded and Placid Oil Co. would be permitted to retain crude oil which the firm is presently required to sell to other refiners.)	FEA-0825	Appeal of FEA's exception decision and order. Placid Oil Co., 3 FEA par. 83,158 (Apr. 9, 1976).
Do	Union Oil Co. of California, Los Angeles, Calif. (If granted: Union Oil Co. of California would receive an exception from 10 CFR 212.75(d) with respect to its Trading Bay unit.)	FEE-2461	Crude oil price exception (sec. 212.75).
May 10, 1976	Burmah Oil & Gas Co. (Aline), Houston, Tex. (If granted: Burmah Oil & Gas Co. would be permitted to increase its prices for natural gas liquid products to reflect nonproduct cost increases in excess of $0.005/gal.)	FEE-2465	Price exception (sec. 212.165).
Do	Burmah Oil & Gas Co. (Fox), Houston, Tex. (If granted: Burmah Oil & Gas Co. would be permitted to increase its prices for natural gas liquid products to reflect nonproduct cost increases in excess of $0.005/gal.)	FEE-2466	Do.
Do	Burmah Oil & Gas Co. (Huntington Beach), Houston, Tex. (If granted: Burmah Oil & Gas Co. would be permitted to increase its prices for natural gas liquid products to reflect nonproduct cost increases in excess of $0.005/gal.)	FEE-2467	Do.
Do	Burmah Oil & Gas Co. (Inglewood), Houston, Tex. (If granted: Burmah Oil & Gas Co. would be permitted to increase its prices for natural gas liquid products to reflect nonproduct cost increases in excess of $0.005/gal.)	FEE-2468	Do.
Do	Burmah Oil & Gas Co. (O'Keene), Houston, Tex. (If granted: Burmah Oil & Gas Co. would be permitted to increase its prices for natural gas liquid products to reflect nonproduct cost increases in excess of $0.005/gal.)	FEE-2469	Do.
Do	Burmah Oil & Gas Co. (Taloga), Houston, Tex. (If granted: Burmah Oil & Gas Co. would be permitted increase its prices for natural gas liquid products to reflect nonproduct cost increases in excess of $0.005/gal.)	FEE-2470	Do.
Do	Burmah Oil & Gas Co. (Tioga), Houston, Tex. (If granted: Burmah Oil & Gas Co. would be permitted to increase its prices for natural gas liquid products to reflect nonproduct cost increases in excess of $0.005/gal.)	FEE-2471	Do.
Do	Frank H. McGehee, Natchez, Miss. (If granted: Crude oil produced from the Board of Supervisors 2-27 well would be sold at upper-tier ceiling prices.)	FEE-2462	Price exception (sec. 212.74).
Do	Sun Oil Co. (Okeene), Dallas, Tex. (If granted: FEA's Mar. 31, 1976, decision and order would be modified and Sun Oil Co. would be permitted to increase its prices for natural gas liquid products to reflect nonproduct cost increases in excess of $0.005/gal at its Okeene plant.)	FEA-0827	Appeal of FEA's exception decision and order. Sun Oil Co., 3 FEA par. 83,153 (Mar. 31, 1976).
Do	Sun Oil Co. (Pledger), Dallas, Tex. (If granted: FEA's Mar. 31, 1976, decision and order would be modified and Sun Oil Co. would be permitted to increase its prices for natural gas liquid products to reflect nonproduct cost increases in excess of $0.005/gal at its Pledger plant.)	FEA-0828	Do.

Date	Name and location of applicant	Case No.	Type of submission
Do	Dale Tapp, Seguin, Tex. (If granted: Dale Tapp, a royalty owner of crude oil produced from the Player No. 1 Bridwell well, would be permitted to receive upper-tier crude oil prices.)	FEA-0829	Appeal of FEA's exception decision and Order. William H. Player & Associates, 3 FEA par. 83, 161 (Apr. 9, 1976).
Do	Texaco, Inc., vs. Arrow Petroleum Co., Chicago, Ill. (If granted: FEA's Mar. 3, 1976, remedial order and FEA's Oct. 6, 1975, decision and order requiring Texaco to supply Arrow Petroleum Co. with motor gasoline would be modified.)	FMR-0050	Modification of FEA's remedial order and decision and order. Texaco, Inc., 2 FEA par. 80, 701 (Oct. 6, 1975).
Do	Wesley Martin Oil Co., Inc., Las Cruces, N. Mex. (If granted: Wesley Martin Oil Co., Inc., would be permitted to retroactively increase its May 15, 1973, prices in computing its maximum permissible selling prices for No. 2 diesel fuel.)	FEE-2463	Price exception (sec. 212.92).
Do	Wesley Martin Oil Co., Inc., Las Cruces, N. Mex. (If granted: Wesley Martin Oil Co., Inc., would be permitted to retroactively increase its May 15, 1973, prices in computing its maximum permissible selling prices for No. 2 diesel fuel sold to its retail dealers, B class.)	FEE-2464	Do.
May 11, 1976	Callahan Oil Co., Washington, D.C. (If granted: FEA's Apr. 22, 1976, information request denial would be rescinded and Callahan Oil Co. would receive access to documents pertaining to allocation orders issued on July 31, 1975.)	FEA-0830	Appeal of FEA's information request denial.
Do	Detroit Public Lighting Department, Detroit, Mich. (If granted: Detroit Public Lighting Department would receive an extension of the exception relief from pt. 215 granted in FEA's Aug. 1, 1975, decision and order.)	FEE-2473	Extension of FEA's exception relief. Detroit Public Lighting Department, 2 FEA par. 83,256 (Aug. 1 1975).
Do	Exxon Co., U.S.A., Houston, Tex. (If granted: Exxon Co., U.S.A., would not be required to supply Saveway Gas & Appliance, Inc., with its base period use of propane.)	FEA-0832	Appeal of FEA's exception decision and order. Saveway Gas & Appliance, Inc., 3 FEA par. 83,150 (Mar. 31, 1976).
Do	Potomac Gas Co., Washington, D.C. (If granted: The appeal decision issued to Potomac Gas Co. on May 4, 1976, would be modified.)	FEX-0042	Supplemental order. Potomac Gas Co., 3 FEA par. ------ (May 4, 1976).
Do	Readygas, Inc., Eldon, Mo. (If granted: FEA's Apr. 2, 1976, decision and order would be rescinded and Readygas, Inc., would be assigned a new, lower priced supplier of propane.)	FEA-0831	Appeal of FEA's exception decision and order. Readygas Propane Service, Inc., 3 FEA par. 83,149 (Apr. 2, 1976).
Do	Sav-A-Ton, Inc., Augusta, Ga. (If granted: Sav-A-Ton, Inc., would receive an increase in its base-period use of motor gasoline.)	FEE-2472	Allocation exception.
May 12, 1976	Atlantic Richfield Co., Los Angeles, Calif. (If granted: FEA's Apr. 14, 1976, remedial order pertaining to the prices charged by Atlantic Richfield in sales to Fleet Supplies, Inc., would be rescinded.)	FEA-0833 FES-0833	Appeal of FEA's Apr. 14, 1976, remedial order. Stay requested.
Do	Boston Gas Co., Boston, Mass. (If granted: The proposed rescission of FEA region I's Mar. 8, 1974, exception decision would be stayed pending a final determination on a request for interpretation which Boston Gas Co. filed with FEA's Office of General Counsel on Apr. 30, 1976.)	FES-0041	Request for a stay pending issuance of a supplemental order.
Do	Louisiana Land & Exploration Co., New Orleans, La. (If granted: Louisiana Land & Exploration Co. would receive retroactive exception relief for the month of December 1975 from the provisions of 10 CFR 212.82, 212.83, and 212.87, which were in effect prior to Apr. 6, 1976.)	FEE-2474	Price exception (sec. 212.82).
Do	McIntosh Propane, McIntosh, S. Dak. (If granted: McIntosh Propane would be assigned a new, lower priced supplier of propane to replace its base period supplir, Petro-Lane Intermountain Supply.)	FEE-2475	Exception to change suppliers.
May 13, 1976	Bay City Airport, Bay City Mich. (If granted: Bay City Airport would be permitted to increase it prices for aviation fuel above the maximum level permitted under 10 CFR 212.92.)	FEE-2476	Price exception (sec. 212.92).
Do	Double U Oil Co., San Antonio, Tex. (If granted: Double U Oil Co. would be permitted to retain crude oil which it is currently required to supply to Tesoro Petroleum Corp.)	FEE-2477	Allocation exdeption (sec. 211.63).
Do	Texas Asphalt & Refining Co., Houston, Tex. (If granted: Texas Asphalt & Refining Co. would be permitted to charge a handling fee of $0.30/bbl on crude-oil sales pending action on Texas Asphalt's application for exception.)	FEE-2478 FST-2478	Allocation exception.
May 14, 1976	Beacon Oil Co., Washington, D.C. (If granted: FEA's Mar. 16, 1976, decision and order would be rescinded and Beacon Oil Co. would be permitted to increase its May 15, 1973, selling prices for refined petroleum products.)	FMR-0051	Request for modification of FEA's decision and order. Beacon Oil Co., 3 FEA par. 83,140 (Mar. 16, 1976).

[FR Doc.76-15202 Filed 5-20-76;3:01 pm]

FEDERAL RESERVE SYSTEM

ADAIR INSURANCE AGENCY, INC.

Order Approving Formation of Bank Holding Company and Engaging in Insurance Agency Activities

Adair Insurance Agency, Inc., Adair, Iowa, has applied for approval under Section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) of formation of a bank holding company through the acquisition of 100 percent of the voting shares (less directors' qualifying shares), of Exchange State Bank, Adair, Iowa ("Bank"). Applicant has also applied, pursuant to Section 4(c)(8) of the Act (12 U.S.C. 1843(c)(8)) and Section 225.4(b)(2) of the Board's Regulation Y, for permission to engage in general insurance agency activities through the acquisition of a general insurance agency in the town of Adair, Iowa, a community with a population of less than 5,000. The operation by a bank holding company of a general insurance agency in a community with a population not exceeding 5,000 persons is an activity that the Board has previously determined to be closely related to banking (12 CFR 225.4(a)(9)(iii)(a)).

Notice of the applications, affording opportunity for interested persons to submit comments and views, has been given in accordance with Sections 3 and 4 of the Act. The time for filing comments and views has expired and the Federal Reserve Bank of Chicago has considered the applications and all comments received in light of the factors set forth in Section 3(c) of the Act (12 U.S.C. 1842(c)), and the considerations specified in Section 4(c)(8) of the Act (12 U.S.C. 1843(c)(8)).

Applicant, a nonoperating company, was organized to become a bank holding company with respect to Bank and to engage in the business of a general insurance agency. Bank, with deposits of $7.5 million[1] accounts for less than 0.1 percent of the deposits in all commercial banks in Iowa and for approximately 8.7 percent of such deposits in the Atlantic, Iowa, banking market.[2] Bank is the smallest of five banks in the market and the only bank in Adair. Since Applicant has no banking subsidiaries and the proposal represents the acquisition of only one bank, consummation of the transaction would have no adverse effects on existing or potential competition.

[1] All banking data are as of June 30, 1975.

[2] The Atlantic banking market is composed of portions of Cass, Adair, and Guthrie Counties, Iowa.

The financial and managerial resources and future prospects of Applicant and Bank are generally satisfactory. Bank's current and projected earnings are regarded as adequate to service the acquisition debt incurred in the transaction without impairing Bank's capital. Therefore, banking factors are regarded as being consistent with approval of the application. In addition, considerations relating to the convenience and needs of the community to be served are consistent with approval of the application. It is the judgment of this Reserve Bank that the proposed formation of the bank holding company would be in the public interest, and that the application should be approved.

Application has also applied to acquire the business of a general insurance agency conducting activities from Bank's office. There is no evidence to indicate that acquisition of the insurance agency business would result in an undue concentration of resources, decreased or unfair competition, conflicts of interest, unsound banking practices or any other adverse effects on the public interest. On the contrary, acquisition of the business of the agency would insure that a convenient source of insurance services would remain available to consumers in the Adair area. Therefore, the acquisition appears to be in the public interest.

Based on the foregoing and other considerations reflected in the record, the Federal Reserve Bank of Chicago, acting pursuant to delegated authority, has determined that the considerations affecting the competitive factors under Section 3(c) of the Act and the balance of the public interest factors set forth in Section 4(c)(8) both favor approval of Applicant's proposals.

Accordingly, the Federal Reserve Bank of Chicago approves the applications for the reasons summarized above. The acquisition of Bank shall not be made before the thirtieth calendar day following the effective date of this Order, and neither the acquisition of Bank nor the acquisition of the insurance agency should be made later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Chicago, pursuant to delegated authority. The determination as to Applicant's insurance activities is subject to the conditions set forth in Section 225.4(c) of Regulation Y and to the Board's authority to require reports by, and make examinations of, holding companies and their subsidiaries, and to require such modifications as termination of the activities of a bank 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.

By order of the Federal Reserve Bank of Chicago, acting pursuant to delegated authority for the Board of Governors, effective May 13, 1976.

ROBERT P. MAYO,
President.

[FR Doc.76-15148 Filed 5-24-76;8:45 am]

DAKOTA BANCORPORATION

Order Approving Retention of Insurance Agency Activities

Dakota Bancorporation, Rapid City, South Dakota ("Applicant"), a bank holding company within the meaning of the Bank Holding Company Act ("Act"), has applied for the Board's approval, under section 4(c)(8) of the Act (12 U.S.C. § 1843(c)(8)) and section 225.4(b)(2) of the Board's Regulation Y (12 C.F.R. § 225.4(b)(2)), to continue to engage in the activity of a general insurance agency, through Columbus Insurance Agency ("Company"),[1] in Columbus, North Dakota, a community having a population not exceeding 5,000. Such activity has been determined by the Board to be closely related to banking (12 CFR § 225.4(a)(9)(iii)(a)).

Notice of the application, affording opportunity for interested persons to submit comments and views on the public interest factors, has been duly published (41 Federal Register 11363). The time for filing comments and views has expired, and the Board has considered the application and all comments received in the light of the public interest factors set forth in section 4(c)(8) of the Act.

The Board regards the standards of section 4(c)(8) to be as applicable to the retention of a "ten year grandfathered" activity as to a proposed section 4(c)(8) acquisition.

Applicant controls one banking subsidiary, Columbus National Bank, with deposits of $3.1 million, representing approximately 0.1 of one per cent of the total commercial bank deposits in North Dakota.[2] Upon Applicant's formation in November 1968, Company was acquired by Applicant. Presently, Company competes with several other insurance agencies located in the relevant market which is approximated by the northern half of Burke County and the northeastern corner of Divide County. Following its acquisitions of Forthun Agency and Darras Agency, Company became the only general insurance agency in Columbus. However, the evidence of record shows that at the time of acquisition Forthun Agency and Darras Agency were small in the relevant market and they were not particularly strong competitors. Thus, it is the Board's judgment that whatever slight adverse competitive effects might have resulted, these are outweighed by the public benefits resulting from Applicant's retention of Company which would assure the residents of Columbus of the continued availability of a convenient source of general insurance agency activities. The Board's review of the record of the affiliation indicates that the benefits have continued to outweigh such slight adverse effects.

There is no evidence in the record indicating that retention of Company would result in any undue concentration of resources, unfair competition, conflicts of interests, unsound banking practices or other adverse effects on the public interest.

In accord with the Board's position with respect to violations of the Act, the Board has scrutinized the underlying facts surrounding the acquisition of the assets of Forthun Agency and Darras Agency without the Board's prior approval. Upon an examination of all the facts of record, the Board believes that the facts surrounding the violations in this case are not such as would call for denial of this application.

Based upon the foregoing and other considerations reflected in the record, the Board has determined that the balance of the public interest factors the Board is required to consider under section 4(c)(8) is favorable. Accordingly, the application is hereby approved. This determination is subject to the conditions set forth in section 225.4(c) of Regulation Y and to the Board's authority to require such modification or termination of the activities of a holding company or any of its 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.

By order of the Board of Governors,[3] effective May 17, 1976.

GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.76-15149 Filed 5-24-76;8:45 am]

M&S BANCORP

Acquisition of Bank

M&S BanCorp, Janesville, Wisconsin, has applied for the Board's approval

[1] Applicant indirectly acquired without Board approval the assets of Forthun Agency (in January 1971) and Darras Agency (in September 1973), both general insurance agencies located in Columbus, North Dakota. Acquisition of the assets of Forthun Agency did not require Board approval by virtue of the provisions of § 225.4(d) of regulation Y. Furthermore, it appears from the facts of record that the acquisition of the assets of Darras Agency was based on a *bona fide* misinterpretation of applicable statutes and regulations.

[2] All banking data are as of June 30, 1975.

[3] Voting for this action: Chairman Burns and Governors Gardner, Wallich, Coldwell, Jackson and Partee.

under § 3(a)(3) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(3) to acquire 98.83 per cent of the voting shares of Merchants Bank of Evansville, Evansville, Wisconsin. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than June 17, 1976.

Board of Governors of the Federal Reserve System, May 18, 1976.

GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.76-15150 Filed 5-24-76;8:45 am]

REPUBLIC OF TEXAS CORP.

Order Approving Retention of the Howard Corporation With Respect to Its Lending Activities Only

Republic of Texas Corporation, Dallas, Texas, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval, under section 4(c)(8) of the Act and § 225.4(b)(2) of the Board's Regulation Y, to continue the lending activities of its trusted affiliate, The Howard Corporation, Dallas, Texas ("Howard"). Such activities have been determined by the Board to be closely related to banking (12 CFR § 225.4(a)(1)).

Notice of the application, affording opportunity for interested persons to submit comments and views on the public interest factors, has been duly published (41 F.R. 1331). The time for filing comments and views has expired, and the Board has considered the application and all comments received in the light of the public interest factors set forth in section 4(c)(8) of the Act (12 U.S.C. § 1843(c)).

By Order dated October 25, 1973, the Board approved the formation of Applicant for the purpose of becoming a bank holding company through the acquisition of Republic National Bank of Dallas, Dallas, Texas ("Republic Bank").[1] Republic Bank was itself a bank holding company by virtue of the 1970 Amendments to the Act and owned various bank and nonbank interests. At the time of its formation, Applicant also obtained indirect control of The Howard Corporation. The Board has previously ruled that Applicant would not be a successor to the grandfather privileges of Republic Bank, and Applicant has committed, and is required to dispose of the nonpermissible activities within the statutory period prescribed in § 4(a)(2) of the Act or, in the alternative, to apply to the Board for approval to retain them. In this proposal, Applicant has applied to retain the lending activities of Howard. The Board regards the standards under § 4(c)(8) of the Act to continue to engage in activities to be the same as the standards for a proposed acquisition.

Applicant, the 4th largest banking organization in Texas, controls three subsidiary banks with aggregate deposits of approximately $2.8 billion, representing approximately 6.5 per cent of the total deposits in commercial banks in the State.[2] Applicant received approval from the Federal Reserve Bank of Dallas, acting pursuant to § 25.4(b)(1) of the Board's Regulation Y (12 CFR 225), to engage *de novo* in direct lending activities on August 19, 1974. Effective with that date, Howard began reducing its loan and commitment activity and has, in fact, ceased making any new loans and commitments.

Howard, a group of companies held in trust for the sole benefit of Applicant, engages in a wide range of activities.[3] A substantial portion of Howard's assets is subject to divestiture under the provisions of § 4(a)(2) of the Act. This application seeks Board approval for Howard to retain certain loans made prior to 1974 and maturing not later than September, 1983. Howard's current loan portfolio consists of secured real estate loans, interim construction loans, home mortgages, secured and unsecured commercial loans, working capital loans, and personal loans. Since Howard has already ceased making any new loans and is no longer an active competitior in any relevant market, approval of this application would have no adverse effects on existing or potential competition in any market. Approval of this application should enable Applicant to arrange an orderly disposition of the loans previously made by Howard. There is no evidence in the record to indicate that the proposed continuation of Howard's lending activities would lead to an undue concentration of resources, unfair competition, conflicts of interests, unsound banking practices, or other adverse effects.

Based upon the foregoing and other considerations reflected in the record, the Board has determined that the balance of the public interest factors the Board is required to consider under § 4(c)(8) is favorable, and the application should be approved. Accordingly, the application is hereby approved. This determination is subject to the conditions set forth in section 225.4(c) of Regulation Y and to the Board's authority to require such modification or termination of the activities of a holding company or any of its 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.

By order of the Board of Governors,[4] effective May 18, 1976.

GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.76-15151 Filed 5-24-76;8:45 am]

[1] 38 F.R. 30580 (November 6, 1973).

[2] Banking data are as of June 30, 1975.

[3] These activities include ownership of royalty, net profits, working and other interests in oil and gas properties; ownership of minority interests in several Dallas-area banks; direct lending activities; and ownership of a number of nonbank subsidiairies conducting activities such as credit life and disability insurance, the sale of money orders and travelers checks, and mortgage banking. For a full discussion of Howard's activities, see the Board's determination of Applicant's grandfather privileges dated September 10, 1973, 59 *Federal Reserve Bulletin* 768 (October, 1973).

[4] Voting for this action: Chairman Burns and Governors Gardner, Wallich, Coldwell, Jackson, and Partee.

FEDERAL TRADE COMMISSION

FAILURE TO POST MINIMUM OCTANE NUMBERS ON GASOLINE DISPENSING PUMPS

Environmental Impact Statement

Correction

In FR Doc. 76-14125, appearing on page 20017, in the issue for Friday, May 14, 1976 the following changes should be made:

On page 20019, in paragraph "(1)" of the second column, the line "stringent future emission standards", should be inserted after the third line.

On page 20019, in the sixth complete paragraph, the footnote designation now reading "16", should read "46".

On page 20020, the second line from the bottom of column two, now reading "octane numbers of the pump, and the", should read "octane numbers on the pump, and the".

On page 20021, in the first column, the first line of footnote 6 should read "482 F.2d 672 (D.C. Cir.1973) Cert denied.".

On page 20021, in the second column, the first line of footnote 26 should read "Id. at 14; see also P.I.C. Petition, page 6, par. 10".

On page 20021, in the third column, the footnote designation now reading "46" which immediately follows footnote designation "44", should read "45".

MARINE MAMMAL COMMISSION

PRIVACY ACT OF 1974

Amendment to Notice of Systems of Records

Notice is hereby given that the Marine Mammal Commission, in accordance with Sections a(7), e(4) and e(11) of the Privacy Act of 1974, 5 U.S.C. § 552a, proposes to amend the Notice of Systems of Records published in the FEDERAL REGISTER of 21 October 1975 (40 *Fed. Reg.* 49283), in order to establish an additional routine use by inserting, immediately after the sixth paragraph of the Appendix thereto, the following language:

"Disclosure may be made, as a routine use, to a Congressional office from the record of an individual contained in any of the Commission's systems in response to an inquiry from the Congressional office made at the request of that individual."

The operation of this routine use will obviate the need for the written consent of constituents in cases where they request assistance of a Member of Congress that would entail the disclosure of information pertaining to them. In cases where a Congressional inquiry indicates that the request is being made on behalf of a person other than the individual whose record is to be disclosed, the Commission will advise the Congressional office that the written consent of the subject of the record is required.

Any person interested in this notice may submit written comments to the Marine Mammal Commission, Room 307, 1625 Eye Street, N.W., Washington, D.C. 20006 on or before 25 June 1976. All written comments received through that date will be considered before publication of the final notice of amendment. Comments received will be available for public inspection at the above address between the hours of 9 a.m. and 5 p.m. Monday through Friday.

Dated: May 17, 1976.

JOHN R. TWISS, Jr.,
Executive Director.

[FR Doc.76-15143 Filed 5-24-76;8:45 am]

NATIONAL CREDIT UNION ADMINISTRATION

NATIONAL CREDIT UNION BOARD

Meeting and Agenda

Pursuant to the provisions of the Federal Advisory Committee Act, Public Law 92-463, 86 Stat. 770, notice is hereby given that the National Credit Union Board will hold its quarterly meeting on June 10-11, 1976, at the offices of the National Credit Union Administration, 2025 M Street, N.W., Washington, D.C. 20456. The meetings will commence at 9:00 a.m. daily in Room 4210.

The agenda for this meeting will consist of an update briefing regarding the activities of the several offices of the National Credit Union Administration, a briefing on share insurance activities, and other aspects of the Administration.

Matters for discussion will include legislative activities.

This meeting of the National Credit Union Board will be open to the public. Members of the public may file written statements with the Board either before or after the meeting. To the extent that time permits, interested persons may be permitted to present oral statements to the Board only on items listed in the aforementioned agenda. Requests to present such oral statements must be approved in advance by the Chairman of the Board. Such requests should be directed to the Chairman, National Credit Union Board, National Credit Union Administration, Washington, D.C. 20456.

HERMAN NICKERSON, Jr.,
Administrator.

MAY 18, 1976.

[FR Doc.76-15147 Filed 5-24-76;8:45 am]

NATIONAL SCIENCE FOUNDATION

NEUROBIOLOGY AND PSYCHOBIOLOGY ADVISORY PANELS

Notice of Joint Meeting

In accordance with the Federal Advisory Committee Act, P.L. 92-463, the National Science Foundation announces the following meeting:

Name: Advisory Panels for Neurobiology and Psychobiology.

Date and time: June 10 and 11, 1976—9:00 a.m. each day.

Place: Room 421, National Science Foundation, 1800 G Street, N.W., Washington, D.C.

Type of meeting: Closed.

Contact person: Dr. James H. Brown, Program Director, Neurobiology Program, Rm. 333, telephone (202) 634-4036, or Dr. Robert Sorkin, Program Director, Psychobiology Program, Rm. 333, telephone (202) 632-4264, National Science Foundation, Washington, D.C. 20550.

Purpose of panel: To provide advice and recommendations concerning support for research in Neurobiology and Psychobiology.

Agenda: To review and evaluate research proposals and projects as part of the selection process for awards.

Reason for closing: The proposals and projects being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals and projects. These matters are within exemptions (4) and (6) of 5 U.S.C. 522(b), Freedom of Information Act. The rendering of advice by the panel is considered to be a part of the Foundation's deliberative process and is thus subject to exemption (5) of the Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of P.L. 92-463. The Committee Management Officer was delegated the authority to make determinations by the Director, NSF, on February 11, 1976.

Dated: May 20, 1976.

M. REBECCA WINKLER,
Acting Committee Management Officer.

[FR Doc.76-15158 Filed 5-24-76;8:45 am]

SUBGROUP ON FOOD AND NUTRITION

Meeting

In accordance with the Federal Advisory Committee Act, P.L. 92463, the National Science Foundation announces the following meeting:

Name: Subgroup on Food and Nutrition of the Advisory Groups on Contributions of Technology to Economic Strength, and Anticipated Advances in Science and Technology.

Date: June 14, 1976.

Time: 8:00 AM to 12:45 PM.

Place: Committee Room in Building 200, Ames Research Center, Moffett Field, California.

Type of meeting: Open.

Contact person: Dr. Richard C. Staples, Policy Research and Analysis Division, National Science Foundation, Washington, D.C. 20550, telephone (202) 632-7800.

Summary minutes: May be obtained from the Committee Management Coordination Staff, Division of Personnel and Management Room 248, National Science Foundation, Washington, D.C. 20550.

Purpose of meeting: To review the comments of the Consultants on the list of most important potential policy recommendations made to the two advisory groups on Science and Technology in the area of food and nutrition. We will also review the recommendations and discuss the need to take other actions. For this purpose, the committee will again focus on the policies or commitments that this country has either consciously or unconsciously followed in the fields of food production and distribution especially with regard to our ability to feed ourselves, to help the rest of the world to feed itself, to help to relieve acute famines elsewhere in the world and to improve our financial and political position in the world.

Agenda: 8:00—Remarks by the Chairman, 10:15—Subgroup discussion of major issues, 12:45—Adjournment.

Dated: May 20, 1976.

M. REBECCA WINKLER,
Acting Committee Management Officer.

[FR Doc.76-15159 Filed 5-24-76;8:45 am]

NATIONAL SCIENCE BOARD REGIONAL FORUMS

Southeastern Region

The National Science Board is planning a series of regional forums in response to language in the NSF Authorization Act.

Specifically, the Foundation was asked

* * * to prepare a comprehensive plan to facilitate the participation of members of the public in the formulation, development, and conduct of the National Science Foundation's programs, policies, and priorities.

The primary objective of the forums is to encourage the expression of views by the general public on scientific and science education issues. Several Members of the National Science Board will participate in each forum; participation is invited from business, state and local government, academe, public interest and citizen groups, and the community at large. Ideas exchanged at the forum will help the Board expand its information base and assist in its policy-making role for the National Science Foundation.

Topics selected for discussion at this forum were generated from a regionally based citizen planning group. Topics for the first forum which will focus on the southeastern region are:

1. Energy—the effects on economic activity with particular reference to employment consequences, and the effect of energy policy on individual values and lifestyles.

2. Food systems—with a food and fibre production orientation, but including institutions (e.g. distributive systems), in the context of regional growth strategy choices.

3. Natural systems—water, soil, natural areas, and air; to be considered in the context of regional growth, and its impacts.

4. Education and knowledge—the role of scientific and technical information in public decision-making, and the information needs of the lay population.

The first NSB Regional Forum is scheduled for June 21, 1976, at the Space Science Building, Georgia Institute of Technology, Atlanta, Georgia, and will begin at 9:00 a.m. Further information may be obtained from the Community Affairs Branch, Room 527, National Science Foundation, 1800 G Street, N.W., Washington, D.C. 20550.

Interested citizens who cannot attend the Forum are invited to send written comments on science policy issues to the above NSF address by July 15, 1976.

THEODORE W. WIRTHS,
Director, Office of Government & Public Programs.

MAY 20, 1976.

[FR Doc.76-15160 Filed 5-24-76;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the office of management and budget on May 18, 1976 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be colelected; the name of the reviewer or reviewing division within OMB and an indication of who will be 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

TENNESSEE VALLEY AUTHORITY

Nurse Practitioner Program Feasibility study, single-time, nurses and employers in East Tennessee (31 counties), Richard Eisinger, 395-6140.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Housing Production and Mortgage Credit, Statistical Data Sheet for Co-Insurance Claims, HUD-4035.4, on occasion, approved co-insurance mortgagees, community and veterans affairs division, Sunderhauf, M. B., 395-3532.

DEPARTMENT OF THE INTERIOR

Bureau of Land Management, private Maintenance of Excess Wild Horse(s) or Burro(s) application, 4710-10, on occasion, any individual desiring to obtain horses or burros, Caywood, D. P., 395-3443.

EXTENSIONS

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service, Farm Operators Record and Report of Acreage and Marketing of Peanuts, MQ-98-1, annually, farm operators selling peanuts to non-established buyers, Caywood, D. P., 395-3443.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Housing Production and Mortgage Credit:

Credit Application for Property Improvement Loan, FH-1, on occasion, lending institutions, community and veterans affairs division, Sunderhauf, M. B., 395-3532.

Credit Application for Mobile Home Loan, FH-1(MH), on occasion, lending institutions, community and veterans affairs division, Sunderhauf, M. B., 395-3532.

Application for Title 1 Contract of Insurance, FH-21, on occasion, lending institutions, community and veterans affairs division, Sunderhauf, M. B., 395-3532.

Notice of Intention to File Title I Claim and Request for Collection Assistance, FH-83, on occasion, lending institutions, community and veterans affairs division, Sunderhauf, M. B., 395-3532.

VELMA N. BALDWIN,
Assistant to the Director, for Administration.

[FR Doc.76-15341 Filed 5-24-76;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 55]

ASSIGNMENT OF HEARINGS

MAY 20, 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 113495 Sub-74, Gregory Heavy Haulers, Inc., now being assigned June 17, 1976, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 123407 Sub-286, Sawyer Transport, Inc., now being assigned September 28, 1976 (2 days), at Denver, Colo., in a hearing room to be later designated.

MC-C-7393, Scott Truck Line, Inc.—Investigation and Revocation of Certificates, now being assigned September 30, 1976 (2 days), at Denver, Colo., in a hearing room to be later designated.

MC 140024 Sub-62, J. B. Montgomery, Inc., now being assigned October 4, 1976 (2 days), at Denver, Colo., in a hearing room to be later designated.

MC 140829 Sub-6, Cargo Contract Carrier Corp., now being assigned October 6, 1976 (3 days), at Denver, Colo., in a hearing room to be later designated.

MC 140389 (Sub-2), Osborn Transportation, Inc. now assigned June 8, 1976 for continued hearing at the Offices of the Interstate Commerce Commission in Washington, D.C.

MC 129486 (Sub-9), Page Trucking Company, Inc. now assigned May 19, 1976 at the Offices of the Interstate Commerce Commission in Washington, D.C. is cancelled, application dismissed.

MC 19227 (Sub-220), Leonard Bros. Trucking Co., Inc. now assigned July 8, 1976 at Los Angeles, California is now cancelled, application dismissed.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.76-15251 Filed 5-24-76;8:45 am]

[Notice No. 64]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MAY 18, 1976.

IMPORTANT NOTICE: 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 June 9, 1976. 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 7523 (Sub-No. 15TA), filed May 7, 1976. Applicant: VENTURA TRANSFER COMPANY, 3440 East South St., Long Beach, Calif. 90805. Applicant's representative: Warren S. Goodman, 2418 E. 223rd St., Long Beach, Calif. 90810. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Catalyst*, in bulk, from Richmond, Calif., to El Paso, Tex., for 180 days. Supporting

Shipper: Standard Oil Co. of California, 575 Market St., Room 2510, San Francisco, Calif. 94120. Send protests to: Philip Yallowitz, District Supervisor, Bureau of Operations, Room 3121 Federal Bldg., 300 North Los Angeles St., Los Angeles, Calif. 90012.

No. MC 50069 (Sub-No. 507TA), filed May 7, 1976. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 445 Earlwood Ave., Oregon, Ohio 43616. Applicant's representative: Jack A. Gollan (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer solutions*, in bulk, in tank vehicles, from Kenton and Morall, Ohio, to Blissfield and Riga, Mich., for 180 days. Supporting shipper: Smith Douglass, Div. of Borden Chemical, Borden, Inc., P.O. Box 8, Riga, Mich. 49276. Send protests to: Keith D. Warner, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 313 Federal Office Bldg., 234 Summit St., Toledo, Ohio 43604.

No. MC 58738 (Sub-No. 4TA), filed May 10, 1976. Applicant: MONK'S EXPRESS, Phelps Street/Port Dickinson, Binghamton, N.Y. 13901. Applicant's representative: Herbert M. Canter, 305 Montgomery St., Syracuse, N.Y. 13202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, with usual exceptions, consisting generally of rope, cordage, braided wire, rods, reels, and finishing line, from South Otselic (Chenango County), N.Y., to Homer (Cortland County), N.Y. Applicant will tack with its present authority from Cortland Co., N.Y. in MC 58738 Sub-No. 2, in order to render a service to Syracuse (Onondaga Co.), N.Y., and in MC 58738 Sub-No. 1, in order to render a service to Binghamton, N.Y. As noted above, interlines will be effected with line-haul carriers at both Binghamton and Syracuse, N.Y., for 180 days. Supporting shipper: Clifton W. Bowers, Traffic Manager, Gladding Corporation, South Otselic, N.Y. 13155. Send protests to: Morris H. Gross, District Supervisor, Interstate Commerce Commission, Room 104, 301 Erie Blvd., West, Syracuse, N.Y. 13202.

No. MC 97310 (Sub-No. 22TA), filed May 5, 1976. Applicant: SHARRON MOTOR LINES, INC., P.O. Box 31261, Birmingham, Ala. 35222. Applicant's representative: Virgil H. Smith, Suite 12, 1587 Phoenix Blvd., Atlanta, Ga. 30349. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except Classes A and B explosives and commodities requiring special equipment or injurious to other lading), (1) Between Atlanta, Ga., and its Commercial Zone, and Prattville, Ala., serving the intermediate points of Langdale, Fairfax, Opelika, Auburn, Loachapoka, Notasulga, Tallassee, and Wetumpka, Ala., and their Commercial Zones, also serving the off-route points of Shawmut, Lanett, and Tuskegee, Ala., and their Commercial Zones; from Atlanta, Ga., over Interstate Highway 85 to junction of U.S. Highway 29 at a point one (1) mile west of the Georgia-Alabama State line and using U.S. Highway 29 and alternate U.S. Highway 27 for such portions of Interstate Highway 85, as are not yet completed in Georgia, thence over U.S. Highway 29 to junction of Alabama State Highway 14, thence over Alabama State Highway 14 to Prattville, Ala., and return over the same route, serving the off-route points over all available highways from U.S. Highways 29 and 14; (2) between Prattville, Ala., and Birmingham, Ala., and their Commercial Zones, serving the intermedate points of Verbena, Thorsby, Cooper, Clanton, Jamison, Ocampo, and Calera and their Commercial Zones, also serving the off-route points of Maplesville and Centreville, Ala., and their Commercial Zones; from Prattville, Ala., over U.S. Highway 31 to Birmingham, Ala., restricted against shipments originating at or destined to points on U.S. Highway 31, between Calera and Birmingham, Ala., and return over the same route, serving the off-route points over all available highways from U.S. Highway 31.

NOTE.—Applicant intends to tack the authority here applied for to its existing authority in MC-97310 and also intends to interline with other carriers at Atlanta, Ga., and Prattville and Birmingham, Ala., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority.

Supporting shipper: There are approximately 76 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: Alan C. Tarrant, District Supervisor, Interstate Commerce Commission, Room 212, 145 East Amite Bldg., Jackson, Miss. 39201.

No. MC 107403 (Sub-No. 974TA), filed May 7, 1976. Applicant: MATLACK, INC., Ten West Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Reclaiming oil*, in bulk, in tank vehicles, from Lorain, Ohio, to Lyons, Ill., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Gold Bond Building Products, Div. National Gypsum Co., 325 Delaware Ave., Buffalo, N.Y. 14020. Send protests to: Monica A. Blodgett, Transportation Assistant, Interstate Commerce Commission, 600 Arch St., Room 3238, Philadelphia, Pa. 19106.

No. MC 108341 (Sub-No. 46TA), filed May 7, 1976. Applicant: MOSS TRUCKING COMPANY, INC., P.O. Box 8409, Charlotte, N.C. 28208. Applicant's representative: Morton E. Kiel, 5 World Trade Center, Suite 6193, New York, N.Y. 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings, building panels, building parts, and materials, accessories, and supplies*, used in the installation, erection, and construction of buildings, building panels, and building parts (except commodities in bulk), from the plantsite and storage facilities of Butler Manufacturing Company at Annville (Lebanon County), Pa., to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Delaware, Maryland, Kentucky, West Virginia, Virginia, Tennessee, North Carolina, Ohio and the District of Columbia, restricted to traffic originating at the above-named plantsite and storage facilities of Butler Manufacturing Company, at Annville, Pa., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Butler Manufacturing Co., 400 North Weaber, P.O. Box F, Annville, Pa. 17003. Send protests to: Terrell Price, District Supervisor, 800 Briar Creek Rd., Room CC516, Mart Office Bldg., Charlotte, N.C. 28205.

No. MC 112184 (Sub-No. 49TA), filed May 10, 1976. Applicant: THE MANFREDI MOTOR TRANSIT COMPANY, 11250 Kinsman Road, Newbury, Ohio 44065. Applicant's representative: John P. McMahon, 100 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Corn products and blends containing corn products* (except corn oil, feed products, and blends containing corn oil and feed products), in bulk, from the plantsite or warehouse facilities of Cargill, Inc., located at or near Memphis, Tenn., to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, Oklahoma, South Carolina and Texas, under a continuing contract with Cargill, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Cargill, Incorporated, P.O. Box 13368, Memphis, Tenn. 38113. Send protests to: James Johnson, Interstate Commerce Commisison, Bureau of Operations, 181 Federal Office Bldg., 1240 East Ninth St., Cleveland, Ohio 44199.

No. MC 121607 (Sub-No. 6TA), filed May 6, 1976. Applicant: COLUMBIA-PACIFIC TRANSPORT CO., 208 N. Gum St., P.O. Box 6377, Kennewick, Wash. 99336. Applicant's representative: George R. LaBissoniere, 1100 North Bldg., Seattle, Wash. 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, which because of their size or weight require the use of special cranes for loading and unloading, between points in Benton and Franklin County, Wash., on the one hand, and points in Oregon, Idaho, Montana and California on the other, for 180 days. Supporting shippers: There are approximately 15 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: L. D. Boone, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 858 Federal Bldg., 915 Second Ave., Seattle, Wash. 98174.

No. MC 125777 (Sub-No. 168TA), filed April 23, 1976. Applicant: JACK GRAY TRANSPORT, INC., 4600 East 15th Ave., Gary, Ind. 46403. Applicant's representative: Carl L. Steiner, 39 South LaSalle St., Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alloys*, in bulk, in dump vehicles, from Romulus, Binghamton and Seneca, N.Y., to Dearborn, Mich., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Mercier Corporation, 1500 North Woodward, Birmingham, Mich. 48011. Send protests to: J. H. Gray, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 345 West Wayne St., Room 204, Fort Wayne, Ind. 46802.

No. MC 127840 (Sub-No. 48TA), filed April 29, 1976. Applicant: MONTGOMERY TANK LINES, INC., 17550 Fritz Drive, P.O. Box 382, Lansing, Ill. 60438. Applicant's representative: William H. Towle, 180 N. La Salle St., Chicago, Ill. 60601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Shortenings, lards, tallow, cooking oils and oleomargarine*, from the facilities of Swift Edible Oil Company, at or near Bradley, Ill., to points in New Jersey, New York, Maryland, Pennsylvania, Massachusetts, and the District of Columbia, and the specified of Manassas, Williamsburg, Richmond, and Newport News; Va.; Dover, Rehoboth Beach and Wilmington, Del.; Levitt City, New Haven, New London, Hartford, Meriden, Colchester and Stamford, Conn.; Burlington, Brattleboro, Rutland and White River Junction, Vt.; Dover, Concord and Manchester, N.H.; Fairfield, Lewiston, Portland and Augusta, Maine; and Providence and Cranston, R. I.; and the Commercial Zones of the respectively named cities, for 180 days. Supporting shipper: Swift Edible Oil Company, Jack Rubel, Asst. Director of Dist., 115 W. Jackson Blvd., Chicago, Ill. 60604. Send protests to: Patricia A. Roscoe, Transportation Assistant, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1386, Chicago, Ill. 60604.

No. MC 129908 (Sub-No. 3TA), filed May 6, 1976. Applicant: AMERICAN FARM LINES, 641 Meridim, P.O. Box 75410, Oklahoma City, Okla. 73107. Applicant's representative: Wm. L. Peterson, Jr., P.O. Box 917, Oklahoma City, Okla. 73101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Weapons, ammunition and drugs* which have been declared sensitive by the United States Government, between points in the United States (except Alaska and Hawaii and further excluding shipments), between points in Kentucky, Indiana, Illinois, Missouri, Arkansas, Louisiana, Texas, Oklahoma, and Kansas, on the one hand, and, on the other, points in Washington, California, Nevada, Utah and Arizona, for 180 days. Supporting shipper: Department of Defense, Department of the Army, Washington, D.C. 20310. Send protests to: Joe Green, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240 Old Post Office Bldg., 215 N.W. 3rd St., Oklahoma City, Okla. 73102.

No. MC 133706 (Sub-No. 2TA), filed May 7, 1976. Applicant: ROBERT L. HARROLD, 215 West Adams, Taylorville, Ill. 62568. Applicant's representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, Ill. 62701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Grain drying and storage equipment and component parts thereof, harrows*, for the account of Baughman-Oster, Inc., from Taylorville, Ill., to points in the United States (except Alaska, Georgia, Hawaii, Iowa, Misouri, Minnesota, North Dakota, South Carolina and Tennessee), under a continuing contract with Baugham-Oster, Inc., for 180 days. Supporting shipper: Charles H. Waters, Exec. Vice Pres. & General Mgr., Baugham-Oster, Inc., Route 48 West, Taylorville, Ill. 62568. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, P.O. Box 2418, Springfield, Ill. 62705.

No. MC 134129 (Sub-No. 9TA), filed May 7, 1976. Applicant: WILLIAM A. LONG, INC., Bealeton, Va. 22712. Applicant's representative: William A. Long (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Reinforcing mesh, wire and nails, materials, supplies* and equipment used in the manufacture and sale of reinforcing mesh, wire and nails, from Warrenton, Va., to points in that part of the United States in and east of Missouri, Arkansas, Louisiana, Iowa, Minnesota, Texas, Oklahoma, Kansas, Nebraska, North Dakota and South Dakota, under a continuing contract with Virginia Wire & Fabric. Applicant intends to tack its existing authority with MC 134129 Sub-No. 2, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Virginia Wire & Fabric, 615 Falmouth St., Warrenton, Va. 22186. Send protests to: Interstate Commerce Commission, 12th & Constitution Ave., N.W., Room B-317, W. C. Hersman, District Supervisor, Washington, D.C. 20423.

No. MC 134501 (Sub-No. 16TA), filed May 7, 1976. Applicant: INCORPORATED CARRIERS, LTD., P.O. Box 3128, Irving, Tex. 75061. Applicant's representative: T. M. Brown, 223 Ciudad Bldg., Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Doors*, from the plantsite of Timco Industries, Inc., at Cuero, Tex., to points in the United States (except Alaska, Hawaii and Texas), for 180 days. Supporting shipper: Timco Industries, Inc., P.O. Box 71, Cuero, Tex. 77954. Send protests to: Opal M. Jones, Transportation Assistant, Interstate Commerce Commission, 1100 Commerce St., Room 13C12, Dallas, Tex. 75242.

No. MC 134922 (Sub-No. 169TA), filed May 10, 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: *Pneumatic rubber tires & tubes*, from Mansfield, Ohio, to points in Colorado, for 180 days. Supporting shipper: Mansfield, Tire & Rubber Company, 515 Newman St., Mansfield, Ohio 44902. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Bldg., 700 West Capitol, Little Rock, Ark. 72201.

No. MC 136220 (Sub-No. 31TA), filed May 7, 1976. Applicant: ROY SULLIVAN, doing business as SULLIVAN TRUCKING CO., P.O. Box 2164, Ponca City, Okla. 74601. Applicant's representative: G. Timothy Armstrong, 6161 North May Ave., Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Char* (in bulk, in self-unloading equipment), from the facilities of Masonite Charcoal Division, at Winnfield, La., to the plantsite of Masonite Charcoal Division, at Pachuta, Miss., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Masonite Charcoal Division, P.O. Box 38, Pachuta, Miss. 39347. Send protests to: Joe Green, District Supervisor, Interstate Commerce Commission, Room 240 Old Post Office Bldg., 215 N.W. 3rd St., Oklahoma City, Okla. 73102.

No. MC 136220 (Sub-No. 32TA), filed May 10, 1976. Applicant: ROY SULLIVAN, doing business as SULLIVAN TRUCKING CO., P.O. Box 2164, Ponca City, Okla. 74601. Applicant's representative: G. Timothy Armstrong, 6161 North May Ave., Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Uncrushed slag*, (in bulk, in dump vehicles), from the facilities of H. B. Reed Company, at Memphis, Tenn., to the plantsite of Masonite Roofing Division, at Little Rock, Ark., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Masonite Roofing Division of Masonite Corporation, P.O. Box 1300, Little Rock, Ark. 72203. Send protests to: Joe Green, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 204 Old Post Office Bldg., 215 Northwest Third St., Oklahoma City, Okla. 73102.

No. MC 136228 (Sub-No. 19TA), filed May 7, 1976. Applicant: LUISI TRUCK LINE, INC., P.O. Box 606, New Walla Walla Way, Milton-Freewater, Oreg.

97862. Applicant's representative: Philip Skofstad, 18448 S. E. Pine, Portland, Oreg. 97233. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat meal and blood meal feed ingredients*, in bulk, from Wallula, Wash., to Portland, Oreg., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Columbia Foods, Inc., P.O. Box 926, Pasco, Wash. 99301. Send protests to: W. J. Huetig, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 114 Pioneer Courthouse, Portland, Oreg. 97204.

No. MC 136228 (Sub-No. 20TA), filed May 7, 1976. Applicant: LUISI TRUCK LINE, INC., P.O. Box 606, New Walla Walla Highway, Milton-Freewater, Oreg. 97862. Applicant's representative: Philip Skofstad, 18448 E. E. Pine, Portland, Oreg. 97233. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hanging beef*, fresh, frozen boxed in combined shipments, from Wallula, Wash., to Portland, Clackamas and Eugene, Oreg., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Columbia Foods, Inc., P.O. Box 926, Pasco, Wash. 99301. Send protests to: W. J. Huetig, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 114 Pioneer Courthouse, Portland, Oreg. 97204.

No. MC 139495 (Sub-No. 148TA), filed May 6, 1976. Applicant: NATIONAL CARRIERS, INC., P.O. Box 1358, Liberal, Kans. 67901. Applicant's representative: Herbert Alan Dubin, 1819 H St., N.W., Suite 1030, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hose*, from the facilities of Electric Hose and Rubber Company, located at or near McCook and Alliance, Nebr., to points in California and Washington, for 180 days. Supporting shipper: Electric Hose and Rubber Company, P.O. Box 910, Wilmington, Del. 19899. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, 501 Petroleum Bldg., Wichita, Kans. 67202.

No. MC 140615 (Sub-No. 13TA) (Correction), filed April 22, 1976, published in the FEDERAL REGISTER issue of May 5, 1976, republished as corrected this issue. Applicant: DAIRYLAND TRANSPORT, INC., P.O. Box 1064, Wisconsin Rapids, Wis. 54494. Applicant's representative: Dennis C. Brown (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products and dairy by-products*, from Coleman, Wis., and with a stop off at Green Bay, Wis., for completion of loading to Curwensville, Pa. Restriction: Shipments at Green Bay, Wis.; restricted to those moving under a split pickup with shipments originating at Coleman, Wis., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Coleman Cheese Co., Coleman, Wis. Send protests to: Richard K. Shullaw, District Supervisor, Interstate Commerce Commission, 139 W. Wilson St., Room 202, Madison, Wis. 53703. The purpose of this republication is to correct the requested authority.

No. MC 141297 (Sub-No. 1TA) (Correction), filed March 29, 1976, published in the FEDERAL REGISTER issue of April 21, 1976, republished as corrected this issue. Applicant: UNITED INDUSTRIES, INC., 487 Parish St., Houston, Miss. 38851. Applicant's representative: W. DeWayne Griffin (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Furniture*, from the plantsites of Shannon Chair Co., Houston, Miss., and Maben Manufacturing Co., Maben, Miss., to points in Alabama, Georgia, Florida, South Carolina, North Carolina, Virginia, Maryland, Pennsylvania, New York, Arkansas, Oklahoma, Texas, Louisiana, New Mexico, Arizona, California, Massachusetts, Colorado, Connecticut, the District of Columbia, Missouri, and West Virginia, under a continuing contract with Shannon Chair Company, and Maben Manufacturing Company, for 180 days. Supporting shipper: Shannon Chair Company, 1st Ave., North, Houston, Miss. 38851. Maben Manufacturing Company, 375 Oswalt Drive, Maben, Miss. 39750. Send protests to: Alan C. Tarrant, District Supervisor, Interstate Commerce Commission, Room 212, 145 East Amite Bldg., Jackson, Miss. 39201. The purpose of this republication is to correct the territorial description.

No. MC 141384 (Sub-No. 2TA), filed May 6, 1976. Applicant: PROVISIONERS FROZEN EXPRESS, INC., 3801 Seventh Ave., South, Seattle, Wash. 98101. Applicant's representative: Michael D. Duppenthaler, 607 3rd Ave., Seattle, Wash. 98104. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Mobile kitchens*, equipped with food and food stuffs, cooking utensils and food preparation and serving equipment, and food and foodstuffs, cooking utensils and food preparation and serving equipment when moving to forest fire sites, between Seattle, Wash., on the one hand, and, on the other, forest fire sites in Oregon, California, Idaho, Montana, Wyoming, Colorado, Utah, Nevada, Arizona and New Mexico, under a continuing contract with OK's Company, a subsidiary of Keeners, Incorporated 2900 4th Ave., South, Seattle, Wash. Send protests to: L. D. Boone, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 858 Federal Bldg., Seattle, Wash. 98174.

No. MC 141673 (Sub-No. 1TA), filed May 6, 1976. Applicant: BYRON A. MARTIN, doing business as M & N TRUCKING, 410 Lorena St., Farmington, N. Mex. 87401. Applicant's representative: James E. Snead, P.O. Box 2228, Santa Fe, N. Mex. 87501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Drilling mud*, in containers, restricted against the transportation of commodities in bulk and tank vehicles, between the warehouse facilities of Baroid Division, N L Industries, Inc., in Farmington, N. Mex., on the one hand, and, on the other, points in Montezuma, Las Animas and Archuleta Counties, Colo., under a continuing contract with Baroid Division N L. Industries, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Baroid Division N L Industries, Inc., 406 Petroleum Plaza Bldg., Farmington, N. Mex. 87401. Send protests to: John H. Kirkemo, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1106 Federal Office Bldg., 517 Gold Ave., S.W., Albuquerque, N. Mex. 87101.

No. MC 141689 (Sub-No. 1TA), filed May 10, 1976. Applicant: K. B. COMPANY, INC., P.O. Box 931, Winston-Salem, N.C. 27102. Applicant's representative: Eric Meierhoefer, 303 N. Frederick Ave., Gaithersburg, Md. 20760. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from the plantsites and warehouse facilities of Pulaski Furniture Corporation, located at or near Pulaski and Dublin, Va., to points in Wyoming, Arizona, California, Oregon, Montana, Colorado, Utah, Idaho, Nevada and Washington under a continuing contract with Pulaski Furniture Corporation, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Pulaski Furniture Corporation, P.O. Box 1731, Pulaski, Va. 24301. Send protests to: Terrell Price, District Supervisor, 800 Briar Creek Road, Room CC516, Mart Office Bldg., Charlotte, N.C. 28205.

No. MC 141810 (Sub-No. 1TA), filed May 12, 1976. Applicant: PORTER & KELLN TRANSPORT LTD., 241 Schoolhouse Road, Copuitlam, B.C., Canada. Applicant's representative: Bob Gleason, Evergreen Bldg., 15 S. Grady Way, Renton, Wash. 98055. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Corrugated paper*, from Bellevue, Wash., and its commercial zone, to points on the International Boundary between the United States and British Columbia, Canada, at or near Blaine, Wash., dest. to shippers plants at Surrey, B.C., under a continuing contract with Delta Structural Core Ltd., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Delta Structural Core Ltd., 12003 C Old Yale Road, Surrey, B.C., Canada V3V 3X4. Send protests to: RM 858, 915 2nd Ave., Seattle, Wash. 98174.

No. MC 141885 (Sub-No. 1TA), filed May 6, 1976. Applicant: NORTHERN OHIO TRUCKING CO., P.O. Box 283, 2296 Scott St., Napoleon, Ohio 43545. Applicant's representative: Arthur R. Cline, 420 Security Bldg., Toledo, Ohio 43604.

Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes. Transporting: *Gypsum*, in bulk, in dump vehicles from the quarries of Michigan Gypsum Co. in Iosca County, Mich., to the plantsite of General Portland, Inc., in Paulding County, Ohio, for 180 days. Supporting shipper: Michigan Gypsum Co., 2840 Bay Road, Saginaw, Mich. 48603. Send protests to: Keith D. Warner, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 313 Federal Office Bldg., 234 Summit St., Toledo, Ohio 43604.

No. MC 142025 (Sub-No. 1TA), filed May 11, 1976. Applicant: DON FOWLER, doing business as FOWLER'S MOBILE HOME TRANSIT, Rt. L, Box 40A, Winchester, Va. 22601. Applicant's representative: Frank B. Hand, Jr., P.O. Box 187, Berryville, Va. 22611. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mobile homes*, between Winchester, Va., on the one hand, and, on the other, points in Prince Georges County, Md., and points in Berkeley, Grant, Hampshire, Hardy, Jefferson, Mineral, Morgan, Pendleton, Randolph and Tucker Counties, W. Va., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Carl Frye's Mobile Home and Modular Housing, Inc., Rt. 3, Box 341, Winchester, Va. 22601. Send protests to: Interstate Commerce Commission, 12th & Constitution Ave., N.W., Room B-317, W. C. Hersman, District Supervisor, Washington, D.C. 20423.

No. MC 142040TA, filed May 3, 1976. Applicant: AMBER DELIVERY SERVICE, INC., 25 Franklin St., Malden, Mass. 02148. Applicant's representative: Joseph T. Bambrick, Jr., 217 Old Airport Road, Douglassville, Pa. 19518. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, limited to individual articles not exceeding 100 pounds in weight, moving within shipments not exceeding 500 pounds in weight, from one consignor to one consignee in a single day, restricted to operations conducted exclusively in two axle vehicles, between the Commercial Zone of Boston, Mass., on the one hand, and, on the other, points in Windham County, Conn.; and York County, Maine; and Bristol, Essex, Middlesex, Norfolk, Plymouth and Worcester Counties, Mass., and Hillsboro and Rockingham Counties, N.H., and Kent and Providence Counties, R.I. The above described shipments may have a prior movement by air, motor and/or rail carrier, for 180 days. Supporting shippers: There are approximately 14 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: Max Gorenstein, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 150 Causeway St., Boston, Mass. 02114.

Application of Passengers

No. MC 124935 (Sub-No. 7TA), filed May 5, 1976. Applicant: ALMEIDA BUS LINES, INC., 1091 Kempton St., New Bedford, Mass. 02741. Applicant's representative: Mary E. Kelley, 11 Riverside Ave., Medford, Mass. 02155. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special operations beginning and ending at New Bedford, Wareham, Borne, Hyannis, Falmouth, Fall River, Taunton and Brockton, Mass., and extending to the Newport Jai-Ali Sports Theatre at Newport, R.I., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: There are approximately 111 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: Gerald H. Curry, District Supervisor, 24 Weybosset St., Providence, R.I. 02903.

No. W-1294 (Sub-No. 1TA), filed May 4, 1976. Applicant: SHORELINE BOATING SERVICE, INC., 144 Water St., South Norwalk, Conn. 06854. Applicant's representative: Thomas W. Murrett, 342 North Main St., West Hartford, Conn. 06117. Authority sought to operate as a *common carrier*, by water, in the transportation of: *Passengers and their baggage*, by self-propelled vessels, in scheduled, special and charter operations, between Norwalk, Conn., and Northport, Long Island, N.Y., for 180 days. Supporting shippers: There are approximately 48 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: C. D. Verrastro, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 324 U.S. Post Office Bldg., 135 High St., Hartford, Conn. 06101.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.76-15249 Filed 5-24-76;8:45 am]

[Notice No. 127]

TEMPORARY AUTHORITY TERMINATION

The temporary authorities granted in the dockets listed below have expired as a result of final action either granting or denying the issuance of a Certificate or Permit in a corresponding application for permanent authority, on the date indicated below:

Temporary authority application	Final action or certificate or permit	Date of action
Wheeler Transport Service, Inc., MC-2392 Sub-100TA	MC-2392 Sub-101	May 14, 1976
Jack Cooper Transport Co., Inc., MC-30884 Sub-19TA	MC-30884 Sub-21	May 12, 1976
Jack Cooper Transport, Co., Inc., MC-30884 Sub-20TA	MC-30884 Sub-22	Do.
Knights Express & Warehouse, Inc., MC-44875 Sub-4TA	MC-44875 Sub-5	May 13, 1976
Transit Homes, Inc., MC-94350 Sub-356TA	MC-94350 Sub-358	Do.
Bulk Carriers, Inc., MC-107010 Sub-58TA	MC-107010 Sub-59	May 11, 1976
Pre-Fab Transit Co., MC-107295 Sub-788TA	MC-107295 Sub-757	May 12, 1976
Armored Motor Service Corp., MC-107882 Sub-37TA	MC-107882 Sub-39	May 11, 1976
D.b.a. Schmidgall Transfers, MC-111274 Sub-4TA	MC-111274 Sub-6	Do.
Purolator Courier Corp., MC-111729 Sub-468TA	MC-111729 Sub-481	Do.
Purolator Courier Corp., MC-111729 Sub-734TA	do	Do.
Purolator Courier Corp., MC-111729 Sub-478TA	MC-111729 Sub-492	Do.
Purolator Courier Corp., MC-111729 Sub-529TA	MC-111729 Sub-537	May 12, 1976
Dahlen Transport, Inc., MC-113410 Sub-83TA	MC-113410 Sub-87	May 13, 1976
Dahlen Transport, Inc., MC-113410 Sub-90TA	MC-113410 Sub-91	Do.
Freeport Transport, Inc., MC-113666 Sub-88TA	MC-113666 Sub-90	May 11, 1976
Freeport Transport, Inc., MC-113666 Sub-89TA	do	Do.
Willis Shaw Frozen Express, Inc., MC-117119 Sub-547TA	MC-117119 Sub-551	May 12, 1976
Motor Service Co., Inc., MC-117565 Sub-55TA	MC-117565 Sub-58	May 13, 1976
Motor Service Co., Inc., MC-117565 Sub-68TA	do	Do.
Motor Service Co., Inc., MC-117565 Sub-71TA	do	Do.
Motor Service Co., Inc., MC-117565 Sub-84TA	do	Do.
Simanek, Inc., MC-119400 Sub-15TA	MC-119400 Sub-16	May 12, 1976
Leathan Bros., Inc., MC-123061 Sub-74TA	MC-123061 Sub-75	May 14, 1976
Becker Corp., MC-124711 Sub-36TA	MC-124711 Sub-37	May 10, 1976
Sam Towler, MC-125925 Sub-14TA	MC-125925 Sub-15	May 14, 1976
National Expressways, Inc., MC-126822 Sub-40TA	MC-126822 Sub-41	May 13, 1976
D.b.a. Zellmer Truck Lines, MC-127303 Sub-13TA	MC-127303 Sub-14	May 19, 1976
Rone Trucking, Inc., MC-127824 Sub-5TA	MC-127824 Sub-6	May 13, 1976
J. B. Hunt Transport, Inc., MC-135797 Sub-15TA	MC-135797 Sub-25	May 12, 1976
D.b.a. Philip Thomas Trucking Co., MC-138916 Sub-1TA	MC-138916 Sub-2	May 19, 1976
Foster's Freight, Inc., MC-139913 Sub-1TA	MC-139913 Sub	May 12, 1976
R. C. Moore, Inc., MC-140572TA	MC-140572 Sub-1	May 14, 1976
Charles C. Kvare, Inc., MC-140675TA	MC-140675 Sub-1	May 11, 1976
Merchants 5 Star, Inc., MC-141119 Sub-2TA	MC-141119 Sub-1	May 14, 1976

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.76-15250 Filed 5-24-76;8:45 am]

federal register

TUESDAY, MAY 25, 1976

PART II:

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

■

ARCHITECTURE AND ENVIRONMENTAL ARTS

Program Guidelines

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

ARCHITECTURE + ENVIRONMENTAL ARTS

Grant Program Guidelines

The following are guidelines for Fellowship Grants made under the Architecture + Environmental Arts Program of the National Endowment for the Arts, an independent agency of the Federal government which makes grants to organizations and individuals concerned with the arts throughout the United States.

The Architecture + Environmental Arts Application Deadlines and Grant Calendar is included. Interested persons should contact Bill Lacy, Director, Architecture + Environmental Arts Program, National Endowment for the Arts, Mail Stop 503, Washington, D.C. 20506 (202) 634–4276, for further information and application forms.

Signed at Washington, D.C., on May 17, 1976.

ROBERT M. SIMS,
Administrative Officer, National Endowment for the Arts, National Foundation on the Arts and the Humanities.

Granting Activities Information Chart

*See "Submission of Applications" in the section Important Information for Applicants

	Grant Category	Application Submission Postmark Date	Announcement of Rejection or Grant Award	Do Not Plan to Start Before This Date
To assist projects which will broaden public design awareness and participation in resolving design issues.	Public Education and Awareness	*June 2, 1976	October 1976	December 1976
		*December 1, 1976	June 1977	August 1977
To assist research projects conducted by professional schools, research organizations and other groups active in design fields, and qualified individuals who are normally associated with such organizations.	Academic and Professional Research	*June 2, 1976	October 1976	December 1976
		*December 1, 1976	June 1977	August 1977
To assist design programs conducted or initiated by state arts agencies or regional arts groups.	Assistance to State Arts Agencies	June 2, 1976	October 1976	December 1976
To assist planning for the conservation of historic structures, significant districts, and special landscapes. (No construction funds)	American Architectural Heritage	September 1, 1976	March 1977	May 1977
To assist communities in the planning and design of exemplary cultural facilities; to encourage the commitment of local public and private money for project implementation.	Cultural Facilities	September 1, 1976	March 1977	May 1977
To assist projects which improve the effectiveness of design related national professional membership organizations.	Services to the Field	December 1, 1976	June 1977	August 1977
To assist practicing professional designers of exceptional talent who wish to engage in special independent activity.	Design Fellowships	December 1, 1976	June 1977	August 1977
To encourage national emphasis on important opportunities for design and to provide positive influence on our built environment.	National Theme Program	NO APPLICATIONS WILL BE CONSIDERED IN THIS CATEGORY DURING THE CURRENT FISCAL YEAR		

Eligibility	Grant Amounts	Project Matching Requirement	Special Requirements and More Information
individuals organizations	individual— $10,000 maximum organization— generally $20,000 maximum	individual—no match required organization— match at least amount requested	1) see page 6 2) see Important Information for Applicants, pages 11-13 3) see Sample Applications, pages 16-21
individuals organizations see also page 6	individual— $10,000 maximum organization— generally $20,000 maximum	individual—no match required organization— match at least amount requested	1) see page 6 2) see Important Information for Applicants, pages 11-13 3) see Sample Applications, pages 16-21
see page 6	generally $20,000 maximum	all applicants are required to match at least amount requested	1) see page 6 2) see Important Information for Applicants, pages 11-13 3) see Sample Applications, pages 18-21
organizations; local government entities also page 7	generally $20,000 maximum	all applicants are required to match at least amount requested	1) see page 7 2) see Important Information for Applicants, pages 11-13 3) see Sample Applications, pages 18-21
organizations; local government entities	generally $20,000 maximum	all applicants are required to match at least amount requested	1) see page 7 2) see Important Information for Applicants, pages 11-13 3) see Sample Applications, pages 18-21
see page 8	generally $20,000 maximum	all applicants are required to match at least amount requested	1) see page 8 2) see Important Information for Applicants, pages 11-13 3) see Sample Applications, pages 18-21
individuals see also page 8	$10,000 maximum	none	1) see page 9 2) see Important Information for Applicants, pages 11-13 3) see Sample Applications, pages 16-17
			see page 9

Architecture + Environmental Arts Program 3

Scope

The National Endowment for the Arts, an independent Federal agency, was established in 1965. The major goals of the Endowment are to make the arts more widely available to Americans, to strengthen cultural organizations, to preserve our rich cultural heritage for present and future generations, and to encourage the creative development of our nation's finest talent.

The Architecture + Environmental Arts Program, which constitutes one of twelve Endowment program areas, is concerned primarily with the improvement of the visible characteristics of our built surroundings. Thus, the scope of the program is subject to broad interpretation. It is perhaps useful to associate the program's activity with the related design professions, typically: architecture, landscape architecture, urban design, city and regional planning, interior design, and industrial design. The program attempts to encourage invention and innovation and to bring the very best design into the experience of every citizen.

PLEASE DO NOT ATTEMPT TO COMPLETE AN APPLICATION FORM BEFORE READING THE GUIDELINES THOROUGHLY.

Grant Categories

Public Education and Awareness

To assist projects which will broaden public design awareness and participation in resolving design issues.

A nation's beauty reflects the attitude of its people. Therefore, the improvement of our country's physical fabric depends upon awareness, concern, and participation of all citizens. Many who are not professional designers are confronted daily with decisions which have important design consequences: consumers in their choice of goods and services, clients in working with professional designers, and persons engaged in the building industry.

The objective of this program is to assist projects which are directed to these ends: to provide information on design issues; to advance public appreciation of beauty in the man-made world; and to provide assistance for groups or individuals as they seek ways to improve the quality of their surroundings.

Project Type
Grants in this category will be awarded for preparation of publishable material, films, video-tapes, exhibits, critical journalism, and other forms of public communication. Generally, funds will not be granted for work which should be supported by a publisher or broadcasting organization.

Evaluation Criteria and Priorities
Priority will be given to proposals which can:
- identify a specific audience clearly
- describe a well-defined means for broad dissemination
- initiate further action
- involve groups or communities which have had little previous exposure to good design.

Special Requirements
All applications for funding of films, books, exhibits, etc. must clearly indicate methods for distribution of finished work.

Professionals in the field of communication must submit evidence of their qualifications. Examples are filmmakers, conference directors, and writers.

Academic and Professional Research

To assist research projects conducted by professional schools, research organizations, and other groups active in design fields, and qualified individuals who are normally associated with such organizations.

The National Endowment for the Arts, through the program for Academic and Professional Research, provides assistance for exploratory activity in design. Emphasis is placed on design as an aesthetic concern and not on technological projects. Since the total amount of money available is relatively small, special attention is given to this distinction.

Highest priority is given projects that develop new approaches to design which show promise of significant influence on the future quality of our surroundings. Also considered are those which seek to extend the state of knowledge in the field, assuming current design approaches. Proposals in any of the following professional areas are appropriate: architecture, landscape architecture, urban design, city and regional planning, graphic design, interior design, and industrial design.

Special Requirements
Applicants should:
- employ language common to lay usage
- clearly explain the project's value to the applicable field of design.

Eligibility: Special Note
Grants are available to universities, professional degree granting institutions, and other qualified nonprofit, tax exempt organizations. Exceptionally talented individuals in the academic community are eligible for individual grants under this category.

Assistance to State Arts Agencies

To assist design programs conducted or initiated by state arts agencies or regional arts groups.

Grants under this program are intended to give state arts agencies or regional arts groups the means for expanding the audience for good design in the states, to promote increased citizen awareness and participation. Grants are also awarded to state arts agencies to initiate state agency activity in architecture and related design fields. These grants are intended to encourage initiative by the design professions within the states, to engage in projects of statewide significance, and to stimulate interest in research which addresses particular local design needs and opportunities.

Proposals for the addition of professional staff will be considered in collaboration with the Federal-State Partnership Program. Although applications and grants will be administered by Architecture + Environmental Arts, funds will be made available through Federal-State Program Development.

Eligibility: Special Note
Grants are available only to officially designated state arts agencies and regional arts groups. They may apply on their own behalf or on behalf of local metropolitan or community-wide arts agencies or appropriate government agencies in the state.

American Architectural Heritage

To assist planning for the conservation of historic structures, significant districts, and special landscapes. (No construction funds)

The preservation of America's architectural heritage has long been a subject of major interest to the Architecture + Environmental Arts Program. While the program encourages historic preservation, the primary interest is not to preserve or restore individual historic structures, but rather in the sympathetic adaptation of buildings and districts to create new vitality in communities.

In Fiscal Year 1977, funding for the area will again concentrate on the conservation of older neighborhoods, both residential and commercial, and the coalescence of diverse civic interests needed to make these places active centers for today's residents. In addition, emphasis will be placed upon merging urban design, city and town planning, and preservation objectives in the process of conserving these areas.

Evaluation Criteria and Priorities
Priority will be placed on:
- support of professional personnel and purchase of materials rather than general administrative costs or equipment
- action-oriented projects offering promise for implementation
- integration of neighborhood conservation objectives into the broader framework of community development policies and programs.

Eligibility: Special Note
Applicant organizations must possess broad community support and demonstrated capability for implementation.

Projects for the identification and evaluation of architectural resources within areas of special character may be considered.

Cultural Facilities

To assist communities in the planning and design of exemplary cultural facilities; to encourage the commitment of local public and private money for project implementation.

Architecture + Environmental Arts recognizes the necessity for the development and use of cultural facilities to satisfy an increasing public interest and participation in the arts. A small program of design and planning assistance is available in instances of compelling need to establish, replace, or alter cultural facilities. While the greatest needs are for financial assistance to support construction costs and professional design fees, limited resources restrict the Endowment's ability to respond to requests of this nature. It is also Endowment policy not to provide money for acquisition of real estate, construction, or renovation of buildings.

Special Requirements
In addition to the normal requirements for an application submitted by an organization, the following must be included:
- evidence of facility need
- a full description of the activity to be accommodated in the proposed project, its context in a plan for the community, the background of groups involved in the project, and location of the site
- indication that the scale of the proposed facility will meet the demonstrated need
- visual evidence of designer capabilities
- evidence that a grant would attract local funds for project implementation or realize adequate revenues
- evidence of property or facility ownership
- clear visual illustration of any existing or planned structure related to the proposed project.

Project Type
Grants are available for the following:
- research on design, planning, and use of facilities for the arts
- reports and reference materials resulting from research on arts facilities
- studies of adaptive uses for significant older buildings as arts facilities
- research on special arts facility requirements such as lighting, acoustics, climate control, security
- feasibility studies; studies of technical requirements for specific proposed arts facilities
- preparation of fund-raising campaign materials for arts facilities
- architectural design studies and competitions for specific arts facilities.

Evaluation Criteria and Priorities
Priority is placed upon projects benefiting communities:
- which have lost their arts facilities due to disaster or which otherwise suffer from severely limited arts facilities
- where arts programs are related to plans for economic and social revitalization
- which seek to institute design competitions to assure a high standard of design.

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Services to the Field

To assist projects which improve the effectiveness of design-related national professional membership organizations.

In recognition of the responsibility of the national professional organizations for advancing the cause of good design, the Endowment has set aside funds to assist such groups. It is intended that the Endowment support only programs of highest national priority and most enduring benefit to the widest membership.

Evaluation Criteria
Projects are appropriate which would:
- result in expanded long-term organizational effectiveness in efforts to improve the quality of design in our surroundings and assist the membership in accomplishing this same goal
- operate potentially on a self-supporting basis (continued Endowment support for any single project cannot be assured)
- request support for specific projects rather than general operating costs
- request support for continuing and strengthening existing projects.

Special Requirements
The application submitted must:
- clearly document a need
- give indication of membership benefit and support.

Eligibility: Special Note
This grant category is open to the established national membership organizations of the design professions: architecture, landscape architecture, city and regional planning, interior design, and industrial design.

Design Fellowships

To assist practicing professional designers of exceptional talent who wish to engage in special independent activity.

The Architecture + Environmental Arts Program seeks to encourage especially talented persons to engage in independent projects or studies which will improve their capabilities in design. Professionals who could benefit in this way from an intensive "office sabbatical" are considered. The grants are intended for professionals with sufficient experience and maturity in their own design work as well as a broad understanding of the field. Grantees will be required to commit an appropriate portion of normal professional practice time to the project over a period of 6 to 12 months.

Project Types
Fellowships are:
- for the opportunity for independent work which broadens or deepens the Fellow's professional awareness and capability
- not intended to support graduate study or purchases of special equipment.

Evaluation Criteria and Priorities
Priority will be given to proposals which show potential:
- for assisting applicant's further professional development
- for impact on the profession.

National Theme Program

Special Requirements

Include with the application form:

- documentation by professionals who are licensed which indicates state in which license was issued and license number
- documentation of the actual relationship between the applicant and employer or practice during the period of the project
- a comprehensive statement of past experience including information on educational background, professional experience, honors, travel, and publications
- three letters of endorsement which attest to the applicant's professional qualifications, his ability to execute the proposed project in an exemplary manner, and the value of the project for the individual and the profession. It is preferred that only persons who are fully aware of the nature of the applicant's proposal submit these letters.
- a description of the proposed activity explaining the objectives of the applicant, proposed work schedule, procedures, and a statement of anticipated benefit to the applicant and the profession. This must be contained in the "Project Description" portion of the application form. The applicant may send supplementary material, but it will not be returned.

Eligibility: Special Note

Applicants must have been active as practicing professionals continuously in any one of the design fields for the immediate past five years: architecture, landscape architecture, city and regional planning, urban design, interior design, and industrial design. They must have received at least a bachelor's degree or the equivalent in an accredited professional curriculum, and must hold a license for practice, if it is required in the applicant's profession. Others whose contribution to the design fields is exceptional will also be considered.

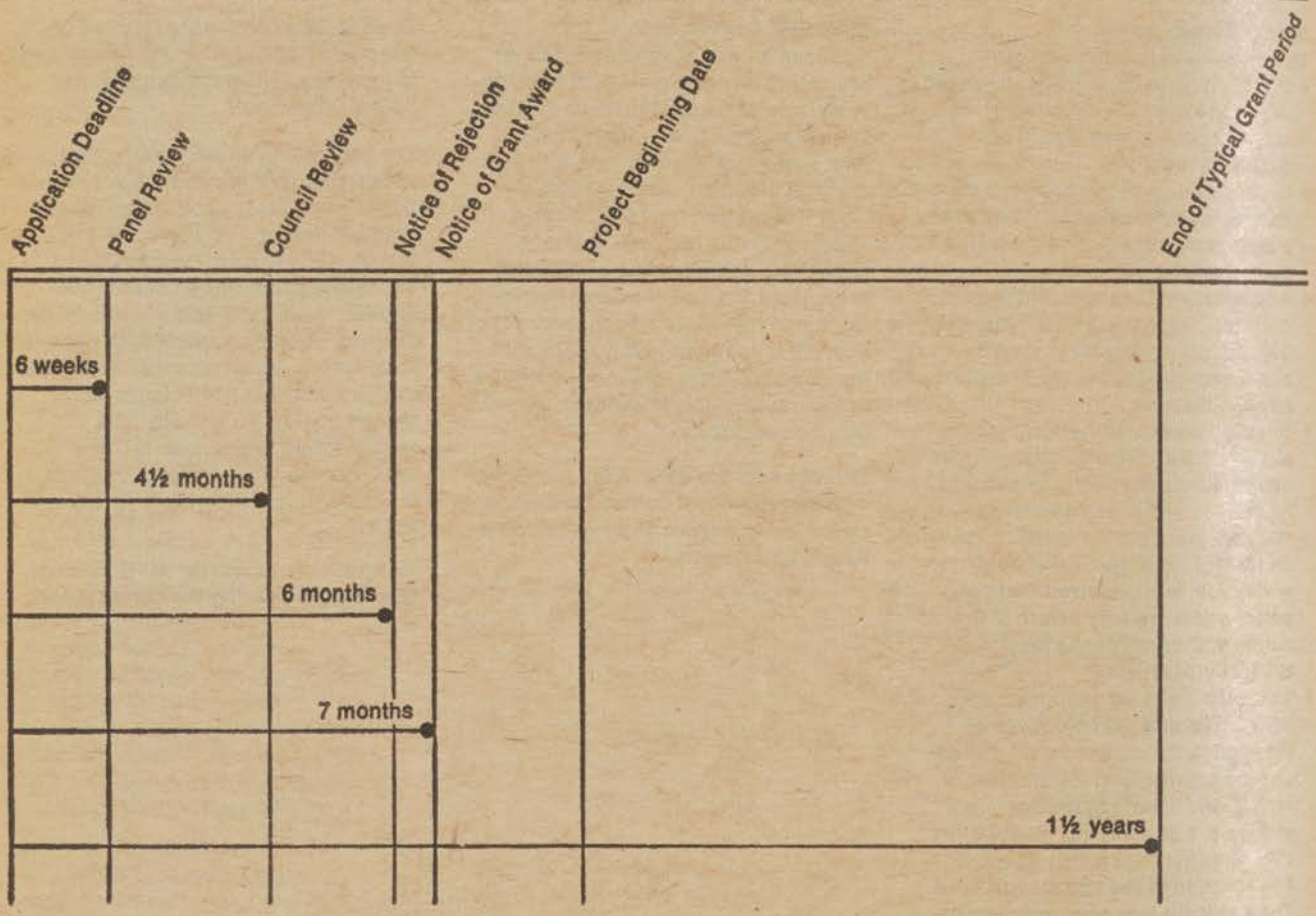
Persons who are associated primarily with a professional school must apply under the Academic and Professional Research category.

To encourage national emphasis on important opportunities for design and to provide positive influence on our built environment.

The National Theme Program, first initiated in 1973, gives special attention to important specific areas for creative design. The first program theme, "City Edges," emphasized boundary conditions within the inhabited landscape. The second, "City Options," was concerned with alternatives for the development of settings in our communities which impart a unique quality. "Cityscale," the current program theme, points to the small human scale features of our communities which bring them vitality and appeal.

No applications will be considered in this category during the current year.

Grantmaking Procedure: Diagram



Important Information for Applicants 11

Definitions

Grants to Individuals
These grants are available for amounts up to $10,000 and require no matching funds. By statute, Endowment grants may be awarded only to individuals "of exceptional talent."

Applications for grants to individuals must be submitted in the name of one person. Although modest use of consultants is permitted if essential for successful completion, it is intended that the individual applying carry out most of the work under any grant which may be awarded. Applications involving substantial participation of more than one person or which include an organization must be submitted by a *qualified organization and require matching funds.*

Grants are awarded only to citizens or permanent residents of the United States.

Grants to Organizations
Grants to state and local government entities, or other nonprofit, tax exempt organizations generally extend to a maximum of $20,000. The applicant organization must provide an amount at least equal to the amount requested from the Endowment in matching funds. This matching amount must be expended only on the specific project for which the grant is made, as budgeted, and entirely within the period specified in the grant.

Where two or more organizations are involved, one single organizational entity must be designated the "applicant organization," which in turn would become the legal recipient of any eventual grant. It is the responsibility of this entity to comply with all Endowment requests and regulations concerning the application, and to inform any co-sponsors or consultants of the status of the application and any eventual grant.

In the case of universities, applications must be submitted under the signature of the appropriate university-designated authorizing official.

By statute, the National Endowment for the Arts is limited to the support of organizations which meet the following criteria:

a) organizations in which no part of net earnings inures to the benefit of a private stockholder or individual and to which donations are allowable as a charitable contribution under Section 170(c) of the Internal Revenue Code of 1954, as amended. Two copies of the Internal Revenue Service Determination letter for tax-exempt status must be submitted with each application.

b) applicants receiving National Endowment for the Arts support must conduct their operations in accordance with the requirements of Title VI of the Civil Rights Act of 1964 and the Rehabilitation Act of 1973, as amended, which bar discrimination in Federally assisted projects on the basis of race, color, national origin, or handicap. Applicants receiving support from the National Endowment for the Arts who will be making payments for services to any person other than the grantee must comply with these requirements. Such grantees are required to file with the Grants Office, an Assurance of Compliance form. The form on page 23 may be removed and completed for this purpose. Please enclose the completed form with your application and mail to: Grants Office (Mail Stop 500), National Endowment for the Arts, Washington, DC 20506. If the applicant has filed an Assurance of Compliance form with the Arts Endowment within the last five years, it is not necessary to complete another form at this time.

c) organizations which compensate all professional performers, related or supporting professional personnel, laborers, and mechanics at the prevailing minimum compensation level or on the basis of negotiated agreements which would satisfy the requirements of Parts 3, 5, and 505 of Title 29 of the Code of Federal Regulations for the duration of any project supported in whole or in part by the National Endowment for the Arts.

Duration of Grants
Grants are awarded for a specified period of time, rarely exceeding one year in length.

Project Location
Generally all projects supported by the Endowment must be performed within the fifty states, the District of Columbia, Puerto Rico, Guam, American Samoa, or the Virgin Islands. Full justification in terms of benefits accruing to the United States must accompany any request for an exception.

Methods of Funding
Program Funds
Generally, grants to qualified organizations will be made on at least a dollar-for-dollar matching basis. Applicants requesting assistance from Program Funds must present evidence in the proper space (Section X) on the application (Organization Grant Application/NEA-3 Rev.) that at least one-half of the total cost of the project will be provided by the applicant. Anticipated sources of matching must be identified. Budgeted funds, as well as newly raised funds, may be used for matching in all programs.

Example:	
if an applicant requests from the Endowment	$20,000
then applicant lists match of at least	$20,000
and total project budget reflects at least	$40,000

In order to ensure budgetary flexibility, funds have been set aside to enable the Architecture + Environmental Arts Program to respond to new developments in the field of design.

Treasury Fund
For more information see Appendix I "Treasury Fund Method of Matching Grants" or contact the Office of General Counsel, National Endowment for the Arts, Washington, DC 20506.

Grantmaking Procedure: Explanation

Selection Procedure

Architecture + Environmental Arts staff refer all applications to an advisory committee composed of persons who are outstanding representatives of the design and planning fields. The recommendations of this committee are submitted to the National Council on the Arts, an advisory group of twenty-six persons appointed by the President of the United States. The National Council reviews and makes recommendation on applications to the Chairman of the National Endowment for the Arts. Following this, applicants are notified of approval or rejection in writing.

Evaluation Criteria

Preference will be given applications in any grant category which meet the following criteria:

- clear response to a public need
- assurance of favorable impact on the community in terms of aesthetic and economic benefit
- demonstration of broad community, academic, or professional endorsement
- evidence that objectives can be achieved within the framework of realistic methodology, budget, and time while meeting the highest standards
- participation of persons whose professional qualifications are clearly well suited to the successful achievement of project goals
- provision of matching funds in the form of cash rather than services, overhead, etc.
- minimum emphasis on equipment, travel, or, in the case of manuscripts, those costs which might be borne by a publisher
- assurance that the proposed project will not duplicate the efforts of others
- evidence that Endowment funds are essential to the project.

Additional evaluation criteria specifically applicable to a particular grant category are included in the description of the grant category.

Notification

Applicants are to understand that the grant process requires more than six months to complete and should plan their projects accordingly. An estimate of the announcement date is given for each grant category in the Granting Activities Information Chart. Applicants are notified of rejection or approval of proposed projects in writing. Applicants are requested not to seek information about the status of their applications prior to this notification. In compliance with the Privacy Act of 1974, we wish to furnish you with the following information:

Section (5) of the National Foundation on the Arts and the Humanities Act of 1965, as amended (20 U.S.C. 954) authorizes the Endowment to solicit the requested information. This information is needed to process your grant application and for statistical research and analysis of trends. The routine uses for which this information can be used and the purposes of such use are general administration of grant review process, statistical research, congressional oversight and analysis of trends.

Failure to provide the requested information could result in rejection of your application due to lack of sufficient facts for determining either your eligibility for a grant or the amount which should be awarded.

Appendix I

The Treasury Fund Method of Matching Grants

When the National Endowment for the Arts was created, Congress included a unique provision in its enabling legislation. This provision allows the Endowment to work in partnership with private and other non-Federal sources of funding for the arts. Designed to encourage and stimulate increased private funding for the arts, the Treasury Fund allows non-Federal contributors to join the Endowment in the grant-making process, generally for projects supported by the Endowment under the established program guidelines.

The Endowment encourages use of the Treasury Fund method as an especially effective way of combining federal and private support, and as an encouragement to all potential donors, particularly those representing new or substantially increased sources of funds.

The Endowment may accept gifts in the form of money and other property. Bequests may be made to the Endowment as well. Gifts to the Endowment are generally deductible for Federal income, estate, and gift tax purposes.

Gifts may be made to the Endowment for the support of a nonprofit, tax exempt, cultural organization which has been notified that the Endowment intends to award it a grant under its regular program guidelines—organizations such as a museum, a symphony orchestra, a dance, opera, or theatre company—or for an Endowment program such as fellowships, touring, conferences, or workshops.

When a restricted gift is received it frees an equal amount from the Treasury Fund, which is then made available to the grantee in accordance with the amount and conditions of the grant, as recommended by the National Council on the Arts and approved by the Chairman.

The Endowment also accepts unrestricted gifts to be used for projects recommended to the Chairman by the National Council on the Arts.

How a Treasury Fund Grant Is Arranged

Those interested in giving for a specific purpose should note the step by step process described below. We will use an orchestra as an example.

1. If the project is eligible for consideration (under the Orchestra Program guidelines), the orchestra submits to the Endowment a formal application, which may include a list of potential donors.

2. The application is reviewed first by the appropriate Advisory Panel (in this case the Music Advisory Panel) and then by the National Council on the Arts and is recommended for approval or rejection. Based on these recommendations, the Chairman makes the final determination and notification is sent to the orchestra.

3. If the grant award is approved, the orchestra officials then request that the donors forward their gifts to the National Endowment for the Arts in the form of a gift transmittal letter specifying the amount and restricted purpose of the donation (i.e., the name of the orchestra and specific project supported), and date by which payment will be made to the grantee organization.

Handling Procedures

In order to simplify handling procedures for restricted donations which are to be matched by the Treasury Fund, grant recipients will receive payment directly from the donor (in cash or negotiable securities) on all restricted Treasury Fund gifts to the Endowment. Under this method, the following procedures apply:

1. Gift transmittal letter is received by the Endowment from donor with above specified information.

2. Upon receipt of payment on the gifts, grantee provides the Endowment with evidence of receipt of such payment as follows:

- In the case of individual gifts of less than $5,000, grantee will forward to the Endowment a list of donors' names, addresses, and amounts received, certified by an official of the organization and notarized.
- In the case of individual gifts of $5,000 or more, grantee will forward to the Endowment, within the grant period, a photostatic copy of the instrument of payment, i.e., the check or negotiable securities, with a covering letter.

3. In cases where benefit proceeds are to be utilized for purposes of the Treasury Fund, evidence such as benefit announcement circulars, invitations, posters, etc. (which indicate donors had prior knowledge that their contributions would be used for the Treasury Fund) must be retained by grantee as evidence of donors' intent. In these cases, the grantee organization will forward to the Endowment, within the grant period, a notarized letter requesting release of the Treasury matching funds, signed by an appropriate official, certifying that the benefit was held on a specified date, yielded a specified sum for Treasury Fund gift purposes related to the grant in question, and that evidence of the benefit will be retained by grantee organization in its files.

4. In all cases, donors are to make payment on gifts at least 60 days prior to termination of the grant period, and grantee organizations will provide the Endowment with evidence of receipt of payment on gifts at least 30 days prior to the termination of the grant period.

The Process In Terms of Money

$10,000	Donor's contribution(s) to Endowment
$10,000	Endowment match from the Treasury Fund
$20,000	
$20,000	Total Endowment grant
$20,000	Grantee's additional project cost
$40,000	Minimum total budget of project

For further information, contact the Office of General Counsel, National Endowment for the Arts, Washington, D.C. 20506.