Vol.41—No.203
10-19-76
PAGES
45977-46286

federal register

TUESDAY, OCTOBER 19, 1976

highlights

PART I:

MEDICARE
HEW/SSA modifies redelegations of authorized payment due for administrative costs to carriers and intermediaries 46040

BENZENE HEXACHLORIDE (BHC)
EPA notices of cancellation and rebuttable presumption against registration and continued registration of pesticide products (2 documents); comments by 11-29-76.... 46024, 46031

CONTROLLED SUBSTANCES
Justice/DEA proposes 1976 production quota for Pethidine; comments by 11-18-76..... 46033

SODIUM CHLORATE
EPA proposes exemption from tolerance requirements in sunflower seed production; comments by 11-18-76..... 46011

MIGRANT AND OTHER SEASONALLY EMPLOYED FARMWORKERS PROGRAMS
Labor amends regulations for use of grants funds..... 45987
ETA publishes list of funding requests received and resolicists for requests for FY 1977 (2 documents)..... 46064, 46065

PROJECT MODIFICATION FINANCIAL ASSISTANCE
Commerce/EDA amends grant and loan program regulations; effective 10-19-76..... 45985

AUTOMOBILE LEASING
FRS amends regulations permitting bank holding companies to continue activities; effective 10-13-76..... 45977

CRUDE OIL ALLOCATION PROGRAM
FEA proposes exemption of Bunker Fuel sales from export; hearing on 10-29-76..... 46011

INCOME AND EXCISE TAXES AND FIDUCIARY RESPONSIBILITY
Treasury/IRS and Labor/EBSO propose rules on employee stock ownership plans and taxpayer election of 11-percent investment credit; comments by 11-19-76.... 46017

CHEESE IMPORTS
USDA announces revised price determination affecting quotas; effective 10-19-76..... 45994

OLIVES
USDA/AMS exempts from minimum standards for test purposes; effective 10-26-76..... 45996

ONIONS
USDA/AMS amends handling regulations to expand special shipments for pickling and oil extraction; effective 10-14-76..... 45997

CONTINUED INSIF

reminders

(The items in this list were editorially compiled as an aid to FEDERAL REGISTER users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.)

Rules Going Into Effect Today

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

List of Public Laws

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

H.R. 71..... Pub. Law 94–491
To amend title 38, United States Code, to provide hospital and medical care to certain members of the armed forces of nations allied or associated with the United States in World War I or World War II (Oct. 14, 1976; 90 Stat. 2363)

H.R. 13367..... Pub. Law 94–488
"State and Local Fiscal Assistance Amendments of 1976"
(Oct. 13, 1976; 90 Stat. 2341)

H.R. 15246..... Pub. Law 94–489
To amend the Service Contract Act of 1965 to provide that all employees, other than bona fide executive, administrative, or professional employees, shall be considered to be service employees for purposes of such Act, and for other purposes
(Oct. 13, 1976; 90 Stat. 2358)

S. 3383..... Pub. Law 94–490
"National Weather Modification Policy Act of 1976"
(Oct. 13, 1976; 90 Stat. 2359)

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

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

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

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

Comments on this program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

ATTENTION: For questions, corrections, or requests for information please see the list of telephone numbers appearing on opposite page.

federal register

Area Code 202 Phone 523–5240

Published daily, Monday through Friday (no publication on Saturdays, Sundays, or on official Federal holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C., Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The FEDERAL REGISTER provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive orders and Federal agency documents having general applicability and legal effect, documents required to be published by Act of Congress and other Federal agency documents of public interest. Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless earlier filing is requested by the issuing agency.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $5.00 per month or $50 per year, payable in advance. The charge for individual copies is 75 cents for each issue, or 75 cents for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER.

INFORMATION AND ASSISTANCE

Questions and requests for specific information may be directed to the following numbers. General inquiries may be made by dialing **202–523–5240.**

FEDERAL REGISTER, Daily Issue:

Subscriptions and distribution	202–783–3238
"Dial - a - Regulation" (recorded summary of highlighted documents appearing in next day's issue).	202–523–5022
Scheduling of documents for publication.	523–5220
Copies of documents appearing in this issue.	523–5215
Corrections	523–5286
Public Inspection Desk	523–5215
Finding Aids	523–5227
Public Briefings: "How To Use the Federal Register."	523–5282
Code of Federal Regulations (CFR)	523–5266
Finding Aids	523–5227

PRESIDENTIAL PAPERS:

Executive Orders and Proclamations.	523–5233
Weekly Compilation of Presidential Documents.	523–5235
Public Papers of the Presidents	523–5235
Index	523–5235

PUBLIC LAWS:

Public Law dates and numbers	523–5237
Slip Laws	523–5237
U.S. Statutes at Large	523–5237
Index	523–5237
U.S. Government Manual	523–5230
Automation	523–5240
Special Projects	523–5240

HIGHLIGHTS—Continued

OUTER CONTINENTAL SHELF
Interior/GS announces final list of allocations to refiners of royalty oil 45999

ENDANGERED AND THREATENED SPECIES
Interior/FWS adds Latin American, African and Asian primates to list; effective 11–18–76 45990

PUBLIC COMMENT ON COMPENSATION
Commission on Executive, Legislative and Judicial Salaries: Invitation; comments by 11–4–76 46057

NATIONAL REGISTER OF HISTORIC PLACES
Interior/NPS notification of pending nominations; comments by 10–29–76 46034

PRIVACY ACT OF 1974
EEOC adopts additional routine use of systems of records 46041

MEETINGS—
USDA/FNS: Maternal, Infant and Fetal Nutrition National Advisory Council; 10–27 and 10–28–76 46035
COMMERCE/CB: American Marketing Association Census Advisory Committee; 11–12–76 46035
DIBA: Foreign Availability Subcommittee of Computer Systems Technical Advisory Committee; 11–10–76 46036
Licensing Procedures Subcommittee of Computer Systems Technical Advisory Committee; 11–10–76 46036
Wafer Processing Subcommittee of Semiconductor Manufacturing and Test Equipment Technical Advisory Committee; 11–11–76 46037
NOAA: New England Fishery Management Council; 11–8 thru 11–10–76 46038
DOD/Army: Coastal Engineer Research Board; 11–4 and 11–5–76 46032
Junior Science and Humanities Symposia Advisory Committee; 11–16–76 46032
Science Board Task Force on Test and Evaluation Policy Advisory Committee; 11–12–76 46032
Shoreline Erosion Advisory Panel, 11–11 and 11–12–76 46032
HEW: Education Statistics Advisory Council; 11–9 and 11–10–76 46040
President's Council on Physical Fitness and Sports; 11–16 and 11–17–76 46040
FDA: Histocompatibility Workshop, 11–11–76 46038
Interior/BLM National Advisory Board; 11–14 thru 11–17–76 46033
Labor/FCCPO: Higher Education Equal Employment Opportunity Programs Federal Advisory Committee; (2 documents) 11–3 and 11–12–76 46066
NASA: Research and Technology Advisory Council; 11–9 and 11–10–76 46062
NSF: Law and Social Sciences Advisory Panel; 11–4 and 11–5–76 46063
Minority Institutions Science Improvement Program Project Directors'; 11–11 and 11–12–76 46063
State: Safety of Life at Sea Subcommittee; 11–10–76 46019
Shipping Coordinating Committee, U.S. National Committee for Prevention of Marine Pollution; 11–8–76 46019

CHANGED MEETINGS (AGENDA)
HEW/FDA: Endocrinology and Metabolism Advisory Committee, 10–21 and 10–22–76 46038

PART II:

COMPREHENSIVE EMPLOYMENT AND TRAINING
LABOR proposes special programs for migrant and other seasonally employed farmworkers; comments by 11–1–76 46123

PART III:

NATIONAL BANKS
TREASURY/COMPTROLLER proposes revision of regulations governing annual financial reporting to shareholders; comments by 11–20–76 46143

PART IV:

APPRENTICESHIP PROGRAMS
LABOR proposes standards, policies and procedures for registration 46147

PART V:

FOOD LABELING
HEW/FDA issues final regulations governing dietary supplements; effective 10–19–76 46155

PART VI:

NATIONAL FLOOD INSURANCE PROGRAM
HUD/FIA updates list of flood-prone communities 46177

contents

AGRICULTURAL MARKETING SERVICE
Rules
Olives grown in Calif 45996
Onions grown in Idaho and Oreg. 45997
Proposed Rules
Filberts grown in Oreg. and Wash. 45999
Milk marketing orders:
Louisville - Lexington - Evansville area 45999
Nashville area 46005

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE
Rules
Cotton, extra long staple; marketing quotas and acreage allotments 45996
Cotton, upland; marketing quotas and acreage allotments 45995

AGRICULTURE DEPARTMENT
See also Agricultural Marketing Service; Agricultural Stabilization and Conservation Service; Animal and Plant Health Inspection Service; Commodity Credit Corporation; Food and Nutrition Service; Rural Electrification Administration.
Rules
Authority delegations by Secretary and General Officers:
Administration, Assistant Secretary 45994
Import quotas and fees; cheese 45994

ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH ADMINISTRATION
Notices
Advisory Committees, renewals 46038

ANIMAL AND PLANT HEALTH INSPECTION SERVICE
Rules
Overtime services relating to imports and exports:
Agricultural quarantine inspectors; duty at border ports, seaports and airports 45995

ARMY DEPARTMENT
Notices
Meetings:
Coastal Engineer Research Board 46032
Junior Science and Humanities Symposia Advisory Committee 46032
Shoreline Erosion Advisory Panel 46032

CENSUS BUREAU
Notices
Meetings:
American Marketing Association Census Advisory Committee 46035

CIVIL AERONAUTICS BOARD
Notices
Hearings, etc.:
International Air Transport Association 46041

CIVIL SERVICE COMMISSION
Rules
Excepted service:
Interior Department 45977

COMMERCE DEPARTMENT
See Census Bureau; Domestic and International Business Administration; Economic Development Administration; Maritime Administration; National Oceanic and Atmospheric Administration.

COMMODITY CREDIT CORPORATION
Rules
Loan and purchase programs:
Wheat; correction 45997

COMPTROLLER OF CURRENCY
Proposed Rules
Annual report to shareholders, form and content 46143

DEFENSE DEPARTMENT
See also Army Department.
Notices
Meetings:
Defense Science Board Task Force on Test and Evaluation Policy 46032

DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION
Notices
Meetings:
Computer Systems Technical Advisory Committee (2 documents) 46036
Semiconductor Manufacturing and Test Equipment Technical Advisory Committee 46037

DRUG ENFORCEMENT ADMINISTRATION
Notices
Schedules of controlled substances:
Pethidine, proposed 1976 revised aggregate production quota 46033

ECONOMIC DEVELOPMENT ADMINISTRATION
Rules
Economic development districts; private citizen representation, minimum ratio 45985
Financial assistance:
Grant and loan program; project modifications 45985
Notices
Import determination petitions:
Tiara Footwear, Inc 46037

EDUCATION OFFICE
Notices
Applications and proposals, closing dates:
Title I audit appeal 46039

EMPLOYEE BENEFITS SECURITY OFFICE
Proposed Rules
Employee benefit plans:
Stock ownership plans; loans exemption; requirements for taxpayers electing 11% investment credit; public hearing and extension of time for comments 46017

EMPLOYMENT AND TRAINING ADMINISTRATION

Rules

Migrant and other seasonally employed farmworker programs:
Sponsors, potential; selection... 45987

Notices

Environmental statements, availability, etc.:
Job Corps Center, Glenmont, N.Y.; correction... 46064
Migrant and other seasonally employed farmworker programs:
Funding requests received... 46064
Funding requests; resolicitation... 46065

ENVIRONMENTAL PROTECTION AGENCY

Proposed Rules

Air quality implementation plans; various States, etc.:
North Dakota... 46010
Puerto Rico... 46010
Pesticide chemicals in or on raw agricultural commodities; tolerances and exemptions, etc.:
Sodium chlorate... 46011

Notices

Air quality standards; ambient monitoring applications:
Beckman Instruments, Inc... 46019
Food additive petitions:
Mobay Chemical Corp., et al... 46020
Pesticide chemicals, etc.; petitions:
Registration of benzene hexachloride; cancellation... 46031
Pesticide chemicals in or on raw agricultural commodities; tolerances and exemptions, etc.:
3-phenoxyphenyl cis-trans-2-(2,2-dichloroethenyl) -2,2-dimethyl cyclopropanecarboxylate... 46020
Pesticide products containing benzene hexachloride; rebuttable presumption against registration of... 46024
Pesticide registration:
Applications (2 documents)... 46021, 46022
Determination of claims for compensation filed against applications... 46020
Water pollution control:
List of violating facilities... 46019

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Notices

Privacy Act of 1974; systems of records... 46041

EXECUTIVE, LEGISLATIVE, AND JUDICIAL SALARIES COMMISSION

Notices

Opportunity for public comment... 46057

FEDERAL CONTRACT COMPLIANCE PROGRAMS OFFICE

Notices

Meetings:
Higher Education Equal Employment Opportunity Programs, Federal Advisory Committee (2 documents)... 46066

FEDERAL ENERGY ADMINISTRATION

Proposed Rules

Petroleum allocation regulations, mandatory:
Crude oil, domestic; adjustments... 46011

FEDERAL INSURANCE ADMINISTRATION

Rules

Flood Insurance Program, National:
Areas eligible for sale of insurance... 45986

Notices

Flood Insurance Program, National:
Communities with special hazard areas, subject to prohibition of Federal assistance; list... 46177

FEDERAL MARITIME COMMISSION

Notices

Complaints filed:
H & H Cranes, Inc. v. Port of Houston Authority, Port of Houston, Tex... 46042
Freight forwarder licenses:
Mid-America Overseas, Inc., et al... 46042
Agreements filed, etc.:
Gulf/United Kingdom Freight Conference and Seatrain International S.A... 46042

FEDERAL POWER COMMISSION

Notices

Hearings, etc.:
Algonquin Gas Transmission Co... 46042
Arkansas Louisiana Gas Co... 46050
Ashland Oil, Inc... 46043
Baca Gas Gathering System, Inc... 46043
Cambridge Electric Light Co... 46051
Central Vermont Public Service Corp... 46051
Columbia Gas Transmission Corp. (2 documents)... 46044
Columbia Gulf Transmission Co... 46051
Consolidated Gas Supply Corp. 46051
Consumers Power Co... 46052
Delmarva Power & Light Co. and Providence Gas Co... 46045
East Tennessee Natural Gas Co. 46045
El Paso Electric Co... 46046
Empire District Electric Co... 46052
Indiana & Michigan Electric Co. 46046
Kansas City Power & Light Co... 46047
Lawrenceburg Gas Transmission Corp... 46047
Michigan Wisconsin Pipe Line Co... 46047
Midwestern Gas Transmission Co. and Panhandle Eastern Pipe Line Co... 46052
National Fuel Gas Supply Corp... 46053
North Penn Gas Co... 46048
Northern Natural Gas Co... 46053
Northern States Power Co. (Wisconsin)... 46049
Public Utility No. 2 of Grant County, Wash... 46053
Raton Natural Gas Co... 46054
Tennessee Gas Pipeline Co... 46054
Tennessee Natural Gas Lines, Inc. (2 documents)... 46054
Texas Eastern Transmission Corp... 46049
Texas Gas Transmission Corp. (2 documents)... 46054, 46055
Transcontinental Gas Pipe Line Corp (2 documents)... 46055, 46056
United Gas Pipe Line Co. (2 documents)... 46050, 46056

FEDERAL RAILROAD ADMINISTRATION

Notices

Petitions for exemptions, etc.:
Norfolk and Western Railway Co... 46041

FEDERAL RESERVE SYSTEM

Rules

Bank holding companies:
Nonbanking activities; automobile leasing; permissible activity... 45977

Notices

Applications, etc.:
A & K, Inc... 46057
Banc-Southwest Corp... 46057
Dorchester State Co... 46057
First City Bancorporation of Texas, Inc... 46058
First Midwest Bancorp., Inc... 46058
First National Holding Corp... 46059
Freeco, Inc... 46059
Manufacturers National Corp... 46059
Milco Bancorporation, Inc... 46059
Oklahoma State Bancorporation, Inc... 46060
Sheldon Security Bancorporation, Inc... 46060
Southern Bankshares, Inc... 46060
United Jersey Bank/Central... 46061

FISH AND WILDLIFE SERVICE

Rules

Endangered and threatened species; fish, wildlife, and plants:
Primates... 45990

FOOD AND DRUG ADMINISTRATION

Rules

Dietary foods; identity standards and labeling requirements; vitamins and minerals... 46155

Proposed Rules

Diagnostic products, in vitro; manufacturers and producers; registration and product listing; correction... 46009
Human drugs:
Over-the-counter drugs; cold, cough, allergy, bronchodilator and antiasthmatic products; monograph establishment; correction... 46009

Notices

Meetings:
Endocrinology and Metabolism Advisory Committee; correction... 46038
Histocompatibility Workshop... 46038

FOOD AND NUTRITION SERVICE

Notices

Meetings:
Maternal, Infant and Fetal Nutrition National Advisory Council ---- 46035

GENERAL ACCOUNTING OFFICE

Notices

Regulatory reports review; proposals ---- 46062

GEOLOGICAL SURVEY

Proposed Rules

Coal mining operating regulations:
Montana, reclamation laws and requirements ---- 45999

Notices

Outer Continental Shelf; oil and gas development:
Gulf of Mexico and Pacific areas; disposal of royalty oil ---- 46034

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

See also Alcohol, Drugs, and Mental Health Administration; Education Office; Food and Drug Administration; Health Resources Administration; Social Security Administration.

Notices

Meetings:
Education Statistics Advisory Council ---- 46040
President's Council on Physical Fitness and Sports ---- 46040

HEALTH RESOURCES ADMINISTRATION

Notices

Filing of annual reports ---- 46038
Meetings:
Advisory committees ---- 46039

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

See Federal Insurance Administration.

INDIAN AFFAIRS BUREAU

Notices

Distributees and members of Guidiville Rancheria, Calif., Ambrose Duncan, Jr., et al; status as Indians not terminated ---- 46033

INTERIOR DEPARTMENT

See Fish and Wildlife Service; Geological Survey; Indian Affairs Bureau; Land Management Bureau; National Park Service.

INTERNAL REVENUE SERVICE

Proposed Rules

Employee benefit plans:
Stock ownership plans; loans exemption; requirements for taxpayers electing 11% investment credit; public hearing and extension of time for comment ---- 46017

INTERNATIONAL TRADE COMMISSION

Import investigations:
Portland hydraulic cement from Mexico ---- 46062

INTERSTATE COMMERCE COMMISSION

Rules

Railroad car service orders:
Freight cars, distribution ---- 45989
Rerouting of traffic; appointment of agents, etc ---- 45990

Proposed Rules

Accounts, uniform system:
Rate bureaus ---- 46013

Notices

Car service rules, mandatory; exemptions (2 documents) ---- 46073, 46080
Fourth section application for relief ---- 46073
Hearing assignments (2 documents) ---- 46072
Motor carriers:
Temporary authority applications (2 documents) ---- 46073, 46076

JUSTICE DEPARTMENT

See Drug Enforcement Administration.

Rules

Property management regulations; establishment ---- 45987

LABOR DEPARTMENT

See also Employee Benefits Security Office; Employment and Training Administration; Federal Contract Compliance Programs Office; Occupational Safety and Health Administration.

Proposed Rules

Apprenticeship programs; registration standards ---- 46147
Comprehensive Employment and Training Act:
Migrant and other seasonally employed farmworker programs ---- 46123

Notices

Adjustment assistance:
Bahia Clipper ---- 46066
C-E Cast Equipment Co ---- 46067
Cayenne Jan Board ---- 46067
Cayenne Witch ---- 46068
Cayenne Youngs ---- 46068
Champion Clipper ---- 46068
Diamond Clipper ---- 46069
Gallant Clipper ---- 46069
Haibui Clipper ---- 46069
Imperial Clipper ---- 46070
Island Clipper ---- 46070
Martial C ---- 46070
Miss Minerva ---- 46071
Mystic Clipper ---- 46071
Royal Clipper ---- 46071
Three B's ---- 46072

LAND MANAGEMENT BUREAU

Notices

Meetings:
National Advisory Board ---- 46033

MARITIME ADMINISTRATION

Notices

Foreign construction cost computations:
Heavy lift cargo vessels, MA design C1-MT-123a ---- 46037

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Notices

Meeting:
Research and Technology Advisory Council ---- 46062

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Notices

Meeting:
New England Regional Fishery Management Council ---- 46038

NATIONAL PARK SERVICE

Notices

Historic Places National Register; pending nominations; notification ---- 46034

NATIONAL SCIENCE FOUNDATION

Notices

Meetings:
Law and Social Sciences Advisory Panel ---- 46063
Minority Institutions Science Improvement Program, project directors ---- 46063

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

Notices

State plans; development, enforcement, etc.:
Maryland ---- 46065
Vermont ---- 46066

PUBLIC DEBT BUREAU

Notices

Authority delegations:
Succession of officials to act as Assistant Commissioner (Field) in event of enemy attack ---- 46031
Succession of officials to act as Commissioner in event of enemy attack ---- 46031

RURAL ELECTRIFICATION ADMINISTRATION

Rules

Information, public:
Loan accounts system; REA bulletin 20-9: 320-12 revised ---- 45997

SMALL BUSINESS ADMINISTRATION

Notices

Applications, etc.:
First Oklahoma Venture Corp ---- 46063

SOCIAL SECURITY ADMINISTRATION

Notices

Authority delegations:
Modifications to determine and authorize payment of amounts due to Medicare intermediaries and carriers for their administrative costs ---- 46040

CONTENTS

STATE DEPARTMENT

Notices

Meetings:

Shipping Coordinating Committee (2 documents) 46019

TRANSPORTATION DEPARTMENT

See Federal Railroad Administration.

TREASURY DEPARTMENT

See Comptroller of Currency; Internal Revenue Service; Public Debt Bureau.

"THE FEDERAL REGISTER—WHAT IT IS AND HOW TO USE IT"

Weekly Briefings at the Office of the Federal Register

(For Details, See 41 FR 22997, June 8, 1976)

RESERVATIONS: JANET SOREY, 523-5282

list of cfr parts affected in this issue

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, follows beginning with the second issue of the month.

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

5 CFR

213 45977

7 CFR

2 45994
6 45994
354 45995
722 (2 documents) 45995, 45996
932 45996
958 45997
1421 45997
1701 45997

PROPOSED RULES:

982 45999
1046 45999
1098 46005

10 CFR

PROPOSED RULES:

211 46011

12 CFR

225 45977

PROPOSED RULES:

18 46144

13 CFR

303 45985
309 45985

21 CFR

80 46156
125 46156

PROPOSED RULES:

341 46009
809 46009

24 CFR

1914 45986

26 CFR

2550 46017

29 CFR

97 45987

PROPOSED RULES:

29 46148
94 46124
97 46124

30 CFR

PROPOSED RULES:

211 45999

40 CFR

PROPOSED RULES:

52 (2 documents) 46010
180 46011

41 CFR

128-1 45987

49 CFR

1033 45989
1034 45990

PROPOSED RULES:

1211 46013

50 CFR

17 45990

CUMULATIVE LIST OF PARTS AFFECTED DURING OCTOBER

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during October.

3 CFR

PROCLAMATIONS:

4334 (See Proc. 4466) 44031
4463 (Amended by Proc. 4466) 44031
4465 43361
4466 44031
4467 44851
4468 44853
4469 44995

EXECUTIVE ORDERS:

March 11, 1912 (Revoked in part by PLO 5604) 45006
April 16, 1912 (Revoked in part by PLO 5604) 45006
June 23, 1913 (Revoked in part by PLO 5604) 45006
July 1, 1913 (Revoked in part by PLO 5604) 45006
July 26, 1913 (Revoked in part by PLO 5604) 45006
October 23, 1914 (Revoked in part by PLO 5604) 45006
July 19, 1915 (Revoked in part by PLO 5604) 45006
December 20, 1916 (Revoked in part by PLO 5604) 45006
February 25, 1919 (Revoked in part by PLO 5604) 45006
April 22, 1919 (Revoked in part by PLO 5604) 45006
February 1, 1921 (Revoked in part by PLO 5604) 45006
10000 (Amended by EO 11938) 43383
11157 (Amended by EO 11939) 43705
11322 (See EO 11940) 43707
11419 (See EO 11940) 43707
11533 (See EO 11940) 43707
11683 (See EO 11940) 43707
11798 (See EO 11940) 43707
11818 (See EO 11940) 43707
11883 (Superseded by EO 11941) 43889
11907 (See EO 11940) 43707
11938 43383
11939 43705
11940 43707
11941 43889

DIRECTIVES:

May 17, 1972 (Amended by Directive of October 7, 1976) 45535
October 7, 1976 45535

5 CFR

213 ..... 43385, 44358, 45977
2300 43709

7 CFR

2 ..... 44185, 44186, 45994
6 45994
51 44187
52 43385
53 45014
210 43909
230 ..... 43388, 45569
354 45995
722 ..... 45995, 45996
908 ..... 43709, 44187, 44860, 45014
910 ..... 43389, 44357, 45569
911 45570
919 43709
915 44861
927 43389

7 CFR—Continued

928 43909
931 44357
932 45996
958 45997
966 43909
980 43910
981 43710
982 43710
1030 43390
1421 ..... 44701, 44704, 44707, 45997
1701 45997
1980 43390
2507 43392

PROPOSED RULES:

2 45577
905 44865
906 44867–44868
907 44189
912 45844
944 44869
981 ..... 44191, 44869
982 ..... 44407, 45999
989 45575
1046 45999
1098 46005
1464 ..... 43729, 45575
1701 43912
1871 45576

8 CFR

341 43393

9 CFR

101 44358
102 44358
105 44359
112 44359
113 44359
114 44687
123 44359

PROPOSED RULES:

160 44407
161 44407

10 CFR

9 44997
210 44151
211 ..... 44152, 44360
212 ..... 43393, 43895, 44152

PROPOSED RULES:

51 45849
211 ..... 45585, 46011

11 CFR

PROPOSED RULES:

102 45952
104 45952
134 45952

12 CFR

11 44822
220 43895
225 45977
226 ..... 44855, 45537
227 44361
523 43395
545 43395
563 43395
701 44687

PROPOSED RULES:

18 46144
563 44057
570 44057
720 44430

13 CFR

102 43711
115 43409
303 45085
309 45085
120 44856
316 45128

PROPOSED RULES:

118 44430

14 CFR

39 ..... 43712, 43713, 44152, 44153, 44997, 44998, 45817, 45818
71 ..... 43712, 43714, 44153, 44687, 44688, 44998, 45819 45820
73 45820
75 44688
97 ..... 43714, 44688, 45820
288 44154
300 43715
298 44033
371 43396

PROPOSED RULES:

37 45019
39 ..... 43742, 44192, 45020, 45048
71 44193
73 44193
207 45021
221 44424
223 45048
250 44424
252 44424
371 45024
372 45024
372a 45024, 45028
373 45024
378 45024
378a 45024, 45028

15 CFR

270 43396
369 44861
371 44155
377 44155

16 CFR

1018 45821
1609 45821

PROPOSED RULES:

1150 44126
1500 44126
1615 43917
1616 43919

17 CFR

1 44565
30 44566
32 44566
200 44695
202 44695

17 CFR—Continued
231 ... 43398
240 ... 44699
PROPOSED RULES:
1 ... 45706
145 ... 45706
210 ... 45030
230 ... 43876
239 ... 43876
240 ... 43876
259 ... 44863

18 CFR
PROPOSED RULES:
260 ... 43743

19 CFR
PROPOSED RULES:
1 ... 45015
18 ... 43922
123 ... 43922
144 ... 43922

20 CFR
404 ... 44362
416 ... 43399
PROPOSED RULES:
405 ... 43917
416 ... 44192
651 ... 44014
653 ... 44014
658 ... 44014

21 CFR
17 ... 45540
27 ... 45543
3 ... 44380
80 ... 46156
121 ... 43715, 44381, 45546
125 ... 46156
430 ... 44381
522 ... 43400, 43896, 45547
556 ... 44381
558 ... 44381
561 ... 43896
630 ... 43400
1308 ... 43401
PROPOSED RULES:
27 ... 45582
341 ... 46009
809 ... 46009
1000 ... 44421
1010 ... 43412

22 CFR
PROPOSED RULES:
42 ... 45571

23 CFR
140 ... 45547
260 ... 44034
750 ... 45826

24 CFR
16 ... 44556
202 ... 44162
207 ... 45827
570 ... 43887, 45966
860 ... 44002
881 ... 45120
1914 ... 43402, 43716, 44382, 44998, 45000, 45986
1915 ... 45548
1916 ... 44036, 44037
1917 ... 44162–44169, 44383–44391, 45000
1920 ... 45829–45841

24 CFR—Continued
PROPOSED RULES:
115 ... 43734
600 ... 44122
1917 ... 43735–43741

25 CFR
221 ... 45562, 45563
252 ... 45563

26 CFR
1 ... 44391, 44690
301 ... 44038
601 ... 44038
PROPOSED RULES:
1 ... 45571
31 ... 45571

27 CFR
Ch. I ... 44038
201 ... 43717

29 CFR
94 ... 44393
97 ... 45987
98 ... 44393
700 ... 44695
701 ... 43403
727 ... 43403
1952 ... 43404–43406, 43896–43901, 45563
PROPOSED RULES:
29 ... 46148
94 ... 46124
97 ... 46124
1952 ... 43411

30 CFR
75 ... 43532
PROPOSED RULES:
11 ... 44864
100 ... 45574
211 ... 43912, 45999

31 CFR
52 ... 44842
128 ... 43719
240 ... 43903
309 ... 44006

32 CFR
1608 ... 44169

32A CFR
113 ... 43720

33 CFR
PROPOSED RULES:
183 ... 43858

34 CFR
PROPOSED RULES:
Ch. I ... 43743

35 CFR
133 ... 44394

36 CFR
2 ... 45564
PROPOSED RULES:
251 ... 45577
261 ... 45577
291 ... 45577
295 ... 45577

37 CFR
1 ... 43720
3 ... 43721
4 ... 43721
PROPOSED RULES:
1 ... 43729

38 CFR
36 ... 44039, 44858
PROPOSED RULES:
3 ... 45031

39 CFR
601 ... 44040
PROPOSED RULES:
111 ... 44059
3001 ... 45587

40 CFR
35 ... 43727
52 ... 43406–43408, 43903, 44395, 45565
55 ... 43904
61 ... 44859
180 ... 43408, 44395
435 ... 44945
459 ... 43409
PROPOSED RULES:
50 ... 44049
52 ... 43421, 43920, 44194, 46010
60 ... 44194, 44859
162 ... 43920
180 ... 43421, 43920, 45029, 46011
408 ... 44194
411 ... 45583
435 ... 44949

41 CFR
1–1 ... 43538
1–4 ... 43538
3–4 ... 44170
7–7 ... 44396
51–1 ... 45565
51–2 ... 45565
51–3 ... 45565
51–4 ... 45566
101–26 ... 43722
101–32 ... 43536
105–61 ... 45000
128–1 ... 45987

42 CFR
52a ... 44171
52e ... 44174
82 ... 44396
85a ... 45002
PROPOSED RULES:
101 ... 44286

43 CFR
2650 ... 44040
3040 ... 43722
3100 ... 45566
PUBLIC LAND ORDERS:
5603 ... 44041
5604 ... 45006
PROPOSED RULES:
4 ... 45574
2370 ... 43411
3500 ... 45571
3520 ... 45571
4100 ... 43912
4200 ... 43912

43 CFR—Continued

PROPOSED RULES—Continued

4300 43912
4700 43912
9230 43912

45 CFR

74 44552
177 44041
196 44860
1005 44860
1006 44860
1010 44860
1012 44860
1015 44860
1026 44860
1042 44860
1050 44860
1060 44860
1061 44860
1062 44860
1067 44860
1068 44860
1069 44860
1070 44860
1071 44860
1075 44860
1076 44860
1078 44860

PROPOSED RULES:

185 45702
193 45962
205 43420
302 43414
303 43414
305 43414

46 CFR

10 45841
297 44403
536 44041

PROPOSED RULES:

31 ..... 43822, 44711
34 43822
54 43822
98 43822
154 43822
171 ..... 44711, 44712
177 44712
298 44408
502 44059

47 CFR

1 ..... 44042, 44177
2 44042
5 45007
13 44178
73 ..... 44178, 44403, 44404
87 44690
89 44180
91 44182
93 44183
97 ..... 44042, 44183

PROPOSED RULES:

2 45584
21 45584
64 44057
73 ..... 43422, 43922, 44427, 44712, 44713
81 45584
83 ..... 44194, 45584

49 CFR

1 ..... 44042, 44710, 45011
215 44043
258 44570
260 44577
609 45842
1033 ..... 43723, 45567, 45842, 45843, 45989
1034 ..... 45568, 45990
1047 45011
1048 44405
1061 45843
1109 44183
1131 43904
1254 44045

PROPOSED RULES:

91 44871
268 44954
571 45021
1109 43743
1211 46013

50 CFR

17 45990
32 ..... 43723–43726, 43905–43908, 44046–44048, 44184, 44185, 44406, 44693–44695, 45012, 45013, 45568
33 ..... 44048, 45013
216 ..... 43550, 43726, 45569

PROPOSED RULES:

17 45573
32 44049
216 ..... 43729, 44049, 45015

FEDERAL REGISTER PAGES AND DATES—OCTOBER

Pages	*Date*
43381–43704	Oct. 1
43705–43887	4
43889–44029	5
44031–44150	6
44151–44355	7
44357–44686	8
44687–44850	12
44851–44993	13
44995–45533	14
45535–45815	15
45817–45975	18
45977–46286	19

rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Department of the Interior

Section 213.3312 is amended to reflect the following title changes: From Special Assistant to the Assistant to the Secretary and Director of Communications to Special Assistant to the Assistant to the Secretary and Director of Public Affairs; and from Deputy Director of Communications to Deputy Director for Information.

Effective on October 18, 1976, §§ 213.3312(a)(10) and (a)(43) are amended as set out below:

§ 213.3312 Department of the Interior.

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

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

* * * * *

(43) One Deputy Director for Information.

* * * * *

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

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

[FR Doc.76-30407 Filed 10-18-76;8:45 am]

Title 12—Banks and Banking

CHAPTER II—FEDERAL RESERVE SYSTEM

[Reg. Y; Docket No. R-0009]

PART 225—BANK HOLDING COMPANIES

Automobile Leasing; Nonbanking Activities

Effective April 17, 1974, the Board of Governors amended § 225.4(a)(6) of its Regulation Y, 12 CFR 225.4(a)(6), to permit bank holding companies to engage in the leasing of real and personal property subject to certain conditions. The National Automobile Dealers Association ("NADA") sought judicial review of this leasing regulation insofar as it permitted bank holding companies to engage in the leasing of automobiles. The Board requested the court to remand the matter to the Board for reconsideration of the specific issue of whether automobile leasing should continue to be a permissible activity for bank holding companies. On October 25, 1975, the court granted the Board's request and remanded the matter to the Board.

On November 11, 1975, the Board issued notice (published in the FEDERAL REGISTER on November 17, 1975, 40 FR 53272), of a proposed rulemaking on whether automobile leasing should continue to be a permissible activity for bank holding companies and, if so, under what conditions or limitations. The Board received written comments from approximately 100 interested parties, including automobile dealers, automobile leasing companies, banks, bank holding companies, and various trade associations. In response to several requests for an opportunity to present views orally and for a formal hearing, the Board announced on January 20, 1976 (published in the FEDERAL REGISTER on January 28, 1976, 41 FR 4022), a schedule for oral presentation of views and additional written submissions. On March 23, 1976, the informal hearing was held before available members of the Board, Governor Jackson presiding. Participants were permitted to file additional materials until April 23, 1976.

The Board has considered all comments received prior to the oral presentation, the record of the oral presentation, and all written statements submitted in connection with and subsequent to the oral presentation. Although bank holding companies have been permitted to engage in automobile leasing since 1974 under the Board's general personal property leasing regulation, § 225.4(a)(6)(i)(a) of Regulation Y, the Board has considered the issue of the permissibility of automobile leasing on a de novo basis and has based its findings only upon the record of this proceeding.[1] After studying the record herein, the Board has determined that automobile leasing should continue to be a permissible activity for bank holding companies and should continue to be included within the scope of the Board's existing personal property leasing regulation.

In order to authorize a bank holding company to engage in a nonbanking activity pursuant to section 4(c)(8) of the Bank Holding Company Act ("Act"), the Board must first determine whether the activity is closely related to banking or managing or controlling banks. Such a determination is usually made by the Board, as here, by regulation in adding the proposed activity to the list of permissible activities set forth in Regulation Y. The second determination required by the statute is that the activity is a "proper incident" to banking. That is, that performance of the activity by a bank holding company "can reasonably be expected to produce benefits to the public * * * that outweigh possible adverse effects * * *." As set forth below, in adopting and determining in this action to retain the regulation the Board has made a general finding that the activity is a proper incident to banking. However, as provided for in the Board's regulations and procedures, in many cases, this issue is reconsidered in light of factors peculiar to individual applications at the time such applications are submitted.

I. THE CLOSELY RELATED TO BANKING TEST

There are a number of tests that the Board applies to proposed new activities and, if an activity qualifies under any one of these, it may be determined to be closely related to banking and added to the list of activities in Regulation Y that are permissible for bank holding companies if also found to be a proper incident. It appears on the basis of the record that automobile leasing qualifies under at lease two of these tests.

The first of these tests is a strictly factual test of whether banks generally have provided and do provide the proposed service.[2] Although automobile leasing is a relatively new activity, banks engage in the activity on a widespread basis. Moreover, banks have been engaged in leasing of other types of personal property for a much greater period of time,[3] and the Board considers these legitimate precedents for automobile leasing since it does not appear that the basic nature of the activity is altered by the type of item leased.

The relevant period consider bank involvement in automobile leasing is the last 25 years, since it is only within that period that leasing of vehicles to individuals as well as to businesses began to develop. Banks began to engage in automobile leasing at a relatively early stage of the industry's development even though the actual length of time that banks have been involved in automobile leasing has not been great.

Automobile leasing has spread nationwide within the last 12 to 15 years. Leasing of automobiles to individuals has tripled within the last decade and accounts for 10 per cent of the new car market nationwide.[4] Total automobile leasing including commercial fleet leasing in 1974 was 2.8 million vehicles, about 26 per cent of new car production.[5] Some projections indicate that this rate of growth will continue and that by 1980, 40 per cent of new car registrations will be for leased automobiles.[6] In California, where leasing first developed, two out of every five automobiles presently in use are leased.[7]

The record in this proceeding indicates that five types of entities compete in the leasing industry today. First, there is the independent leasing organization which engages solely in leasing rather than selling automobiles. The second type of entity is the auto dealership which, in

See footnotes at end of document.

addition to selling automobiles, has the potential to lease vehicles if it can obtain adequate financing. The larger dealerships lease vehicles in much the same way as independent leasing companies, frequently obtaining financing from a bank. The third type of lessor is the bank or bank holding company that may lease vehicles directly or through a network of smaller automobile dealerships. The fourth kind of leasing competitor is the financing affiliate of the auto manufacturer such as Ford Motor Credit Corporation and General Motors Acceptance Corporation. These organizations use their own network of auto dealers to conduct their leasing operations. Finally, certain large retail corporations have entered or may enter the market. Most notably, Sears, Roebuck and Company, the nation's largest retail corporation, has begun to expand its automobile leasing operation nationwide.

National banks have been engaged in automobile leasing since the 1963 ruling of the Comptroller of the Currency that such activity was properly incidental to banking. In addition, 31 States have specific statutes permitting banks to lease personal property, and in other States the bank supervisory authority permits State banks by regulation to engage in the activity.[8] In 1968 there were 267 national banks engaged in auto leasing; by 1974 the number rose to 590 national banks. Another survey, that included State banks by regulation to engage in in automobile leasing in the early 1970's, with lease outstandings of $400 million.[9] It appears that the number of banks involved in automobile leasing is continuing to grow.

On the basis of (1) the historical involvement of banks in the leasing of personal property such as railroad stock and ships, (2) the large and growing number of banks that lease automobiles, (3) the fact that banks entered the automobile leasing industry at an early stage and are now a significant component of the industry, (4) the fact that the Comptroller of the Currency and over two-thirds of the States have determined that automobile leasing is a permissible activity for banks, and (5) the likelihood that the number of banks engaging in automobile leasing will continue to grow, the Board concludes that automobile leasing is closely related to banking.

The second test pursuant to which the Board finds automobile leasing to be closely related to banking is a functional test, i.e., whether banks generally provide services that are functionally or operationally similar to the proposed service and are thus qualified to provide the proposed service. The parties to this proceeding argued strenuously about whether automobile leasing is functionally equivalent to other banking services.

Those parties to the proceeding in favor of the performance of the activity by bank holding companies (generally hereafter "proponents") argued that leasing is essentially a financial transaction since it is an alternate method of financing the purchase of an automobile without the necessity of a large initial down payment. Thus, to the customer it is a means of obtaining the possession and use of an automobile through deferred payment. To the bank it is another in a spectrum of methods of new car financing that includes instalment credit transactions, floor planning and commercial lending to independent lessors.[10]

Those parties to the proceeding opposed to the performance of the activity by bank holding companies (generally hereafter "opponents") argued that automobile leasing is essentially a merchandising activity in which reliance on the residual or resale value of the leased vehicle upon the completion of the lease term is the critical element. They argue that the need for the lessor to estimate and thus to speculate on the resale value of a new automobile three years hence makes automobile leasing different from an extension of credit or other types of personal property leasing.[11]

On the basis of the record, the Board has concluded that automobile leasing, if conducted by a bank holding company in accordance with the Board's existing personal property regulation, is essentially a financial transaction that is functionally equivalent to a bank's lending function. The leases written by a bank holding company in the lease of an automobile have many similarities to a secured loan. In each case there is a sum certain in amount. This sum includes the acquisition cost of the vehicle and the cost of financing and is recovered through a schedule of noncancellable deferred payments. The term of the payment period in both cases is 24 to 36, or recently to 48 months. The vehicle serves as a type of collateral to guarantee payment on both the instalment loan and the lease. Both forms of financing are applied to a specific automobile that is chosen prior to preparation of the document. In the case of a lease the bank is required by the Board's Regulation Y, § 225.4(a)(6)(i)(*a*)(*ii*), to acquire the automobile specifically for an individual transaction. All attributes of ownership pass to the lessee who is responsible for servicing, insurance, and depreciation.

In addition to the above, the proponents have testified that they use the same skills in leasing a vehicle as they do in financing it through an instalment loan.[12] They assess the credit-worthiness of the lessee, examining his record on repayment of earlier obligations and reviewing his ability to meet the payment schedule. They examine the collateral involved to determine its value over the term of the lease. In fact, since the amount financed is larger in the case of a lease than in the case of a loan, the credit criteria are usually a little more stringent.

The opponents argue, however, that the Board's regulation which allows reliance by a lessor upon a residual value of 20 per cent in computing a full-payout recovery permits speculation in property and alters the character of the transaction from that of a loan.[13] They point out that a lender does not generally have an equity interest in the property being financed.[14] Further, the Federal District Court for the Western District of Washington determined in *"M&M Leasing Corporation* v. *Seattle-First National Bank"*[15] that any lease in which the bank bears any risk of loss is not the equivalent of a loan.

The record of the proceeding reflects that the resale value of automobiles at the conclusion of a two- to three-year lease is generally between 20 and 55 per cent of a vehicle's acquisition cost.[16] By setting a maximum residual value of 20 per cent, the Board is recognizing that, on an empirical basis, automobiles have a useful life in excess of the lease term. On the other hand, the figure is a small enough percentage of the original price of the automobile to ensure that the holding company will be truly financing a lessee's acquisition and use of a vehicle rather than conducting a short-term rent-a-car operation. The record in this proceeding reflects that in 90 to 98 per cent of leases the vehicle is worth more than the residual value at the conclusion of the lease and is therefore purchased by the lessee,[17] and, even with respect to those vehicles returned at the end of the lease there is frequently no deficiency.[18] Thus, the Board finds that the risk of loss in a lease transaction cannot be said to be significantly greater than in a loan transaction and a bank holding company lessor cannot be said to be speculating in the value of property.

While, as indicated above, a lease in which the lessor relies on a residual value of up to 20 per cent of the initial value of the property to calculate payments that provide for a "full payout" is equivalent to and a substitute for an extension of credit, the record in the proceeding reflects that banks and bank holding companies presently engaging in leasing activities uniformly write open-end leases in which the lessee guarantees the estimated residual value. If upon resale at the end of the lease term, the vehicle does not bring the estimated residual value, the lessee agrees to reimburse the lessor for the deficiency. If the vehicle's actual resale price exceeds the estimate, the lessee receives the surplus.

The Board's existing personal property leasing regulation, § 225.4(a)(6)(i)(*a*)(*iv*)(*4*) of Regulation Y, permits the lessor bank holding company to rely upon residual value up to 60 per cent of the acquisition cost of the vehicle if the residual value is unconditionally guaranteed by a financially qualified third party. This 60 per cent figure corresponds to the maximum residual value for most vehicles after a two- or three-year lease,[19] and the Board believes such a ceiling prevents speculation on residual value and preserves the lease as the functional equivalent of an extension of credit. The court in "M&M Leasing"[20] found this traditional automobile lease with the guarantee of residual value to be the functional equivalent of a loan.

Subsequent to the Board's adoption of the guarantee provisions, on March 23,

See footnotes at end of document.

1976, Congress enacted the Consumer Leasing Act[21] which provides, in part, that with respect to a guarantee of residual value a lessee is obligated to pay the difference between the projected residual value and the actual resale price only if the estimate of the residual value is reasonable and made in good faith. The estimate is presumed unreasonable if it exceeds the actual resale value by more than three times the lessee's average monthly rental payments. Except in the case of unreasonable wear and use or a mutually agreeable final adjustment, the lessor can recover an additional sum only by filing suit and by demonstrating to a court that the estimate of residual value was reasonable and made in good faith.

The opponents argue that the Consumer Leasing Act effectively prevents reliance by bank holding company lessors upon the lessee guarantees of residual value. In their view, such a guarantee is no longer unconditional as required by the Board's regulation, as the lessor is compelled to rely upon the resale value of the vehicle rather than the creditworthiness of the lessee. This, they argue, destroys the equivalency of the lease to a loan.[22]

Initially, it is clear from the legislative history of the Consumer Leasing Act that Congress intended this legislation to protect the consumer from liability for unreasonable balloon payments at the end of a lease term. The legislation was not intended to indirectly prohibit banks and bank holding companies from engaging in automobile leasing by eliminating any possibility that they could rely upon a lessee guarantee.[23] In fact, the legislation was specifically designed to ensure that the "estimated residual value shall be a reasonable approximation of the fair market value of the property on lease expiration." Reasonableness in the estimating of residual value is required by the Board's regulation and is one reason for imposing a 60 per cent ceiling on the guarantee provision. If the guarantee is reasonable then there is no ban on reliance upon it under the Consumer Leasing Act. The Report of the Senate Committee on Banking, Housing and Urban Affairs, in reporting out the version of section 183 of the Consumer Leasing Act that ultimately was enacted, recognized that the lessee bears the risk of loss upon which lessors may rely.

> The lessor's obligation under this language (of section 183) is to make a good faith and rational estimate of future residual value based on circumstances and information available at the time the lease was written. If the lessor does so the lessee bears the risk of unanticipated fluctuations in market value and the lessor is assured of full recovery under the lease.[23a]

The Board believes that, even in light of the Consumer Leasing Act, an automobile lease wherein the bank holding company lessor relies upon a reasonably estimated residual value guaranteed by the lessee remains functionally equivalent to a loan. If anything, the Consumer Leasing Act eliminates possible speculation on residual values and forces the lessor to adopt very conservative residual values. The bank holding company looks to the lessee for rental payments and in the event of default particularly in the early stages of a lease when most defaults occur[24] and when resale value of the automobile does not equal the lessor's costs. The lessor also relies upon the lessee for reimbursement in the event of deficiencies between estimated and actual resale value, particularly when such deficiencies are less than three monthly rental payments.[25] It stands to reason that, as in the case of a loan, a bank holding company lessor would prefer to rely upon payment by a lessee/debtor rather than to attempt to dispose of the leased item/collateral.

The risk of fluctuation of residual value remains with the lessee, and even the small risk borne by the bank holding company that a court may find the estimate of residual value unreasonable is no greater than the risk always present in making a secured loan. As in the case of reliance upon an unguaranteed residual value of 20 per cent or less, a minimal risk of loss does not destroy the lease's equivalency to an extension of credit.

Furthermore, the Board does not consider the Consumer Leasing Act to impose a "condition" upon a guarantee for purposes of its personal property leasing regulation. The need to follow certain statutory procedures to enforce the provisions of a document such as a lease or a secured loan does not necessarily "condition" that document. Nor does the need to prove that the estimate or residual value is reasonable impose a condition upon recovery within the contemplation of the regulation. The Board has required the estimate of residual value to be reasonable upon the signing of the lease. All conditions to recover upon the lease have been fulfilled at that time and the document is subject to enforcement.

An additional argument that the opponents raise to establish that leasing of automobiles is not functionally equivalent to financing is that it more closely resembles the merchandising of used cars since the bank holding company lessor must estimate the vehicle's residual value, must purchase the vehicle and must dispose of it upon completion of the lease term. They argue that the need to estimate, and to rely upon, the residual value of the vehicles leased transforms the leasing of automobiles into something more than a financial transaction, particularly since automobile leasing is the only type of personal property leasing that relies to such a significant degree upon the factor of residual value.[25]

These possible aspects of the activity have been of concern to the Board and it has imposed certain conditions designed to avoid any merchandising aspects of leasing and to preserve its financial character. The regulation requires that the bank holding company acquire the item to be leased specifically for the transaction under consideration (§ 225.4(a)(6)(i)(a)(ii)) and that at the end of the lease term the holding company release the item or dispose of it within two years (§ 225.4(a)(6)(i)(a)(vi)). Both of these provisions are designed to prevent the stockpiling or inventorying of property, activities that indicate a commercial or merchandising operation. The bank holding company may purchase an automobile only as already selected by an individual lessee and must dispose of that vehicle promptly, if it is returned rather than purchased or otherwise disposed of by the lessee.

In the case of indirect leasing, the prospective lessee deals with an automobile dealer rather than a bank or bank holding company directly. The bank or holding company merely purchases the vehicle selected from the dealer after the dealer and lessee have agreed upon the make and model, the accessories to be included and the date of delivery. The lessor's role is the traditional banking function of credit analysis and approval of the written financing agreement. Since the dealer is responsible for delivery, the vehicle may never even be seen by the lessor.[27]

The bank holding companies and banks do prepare a schedule of leasing fees for dealers in their network, and this includes a projection of residual values. The proponents testified that they project residuals on the basis of the Kelly Blue Book of wholesale prices and similar auto industry projections, conservatively tempered by a safety factor and without any reliance upon the inflation that has marked the used car market in recent years.[28]

The projection of residual value draws upon the same knowledge and expertise with regard to the value of collateral that banks rely upon when making secured loans. Banks have traditionally appraised property before accepting it as collateral for a mortgage loan, refusing the loan if the purchase price exceeds the bank's estimated resale value of the property. On various types of secured loans banks have traditionally required down payments that are a certain percentage of the purchase price of the item financed as protection in the event of early default and repossession. These banking functions require a level of competence in assessing the value of collateral. The estimate of residual values in automobile leasing is considered by the Board to be equivalent to existing banking functions.

In the case of direct leasing the bank or holding company is more involved than in the case of indirect leasing since it deals directly with the lessee, and thus greater concerns are raised as to "merchandising." However, the banks and bank holding companies have testified that they do not counsel or advise the prospective lessee as to the make or model of vehicle he may wish to lease, or even suggest that he lease rather than buy.[29] They may merely put the lessee in contact with a dealer who is conveniently located to provide servicing and maintenance.[30] Frequently, as in the case of indirect leasing, the holding company never even has possession or control of the vehicle which is delivered from dealer to lessee.

See footnotes at end of document.

As an additional safeguard to prevent bank holding company lessors from becoming too involved in the commercial aspects of automobile leasing, the Board's regulation (§ 225.4(a)(6)(i)(*a*)(*iii*)) requires the leases be written on a nonoperating basis. This means that the bank holding company may not provide for servicing and maintenance of the vehicle or for similar functions. The bank holding company administers the lease as it would administer a loan.

The opposing parties additionally charge that disposal of the vehicle at the end of the lease forces the holding company into the merchandising of used cars. The experience of banks and bank holding companies, however, demonstrates that this activity is very limited because only a small percentage of the vehicles are returned to the lessors. In addition to the earlier cited testimony that between 90 and 98 per cent of all vehicles leased by banks are disposed of by the lessee, both Alameda Bancorporation and Wells Fargo Bank testified that only 2 per cent of their leased vehicles were returned for resale.[31] First National Bank of San Jose has had to dispose of fewer than 5 per cent of its leased vehicles,[32] and Seattle-First National Bank has had to dispose of only two vehicles wholesale out of a total of 345 normally terminated leases since April, 1973.[33]

Such figures tend to demonstrate empirically that the banks are not engaged in the merchandising of used automobiles but are merely incidentally disposing of a few vehicles as they would in the case of repossession on a secured auto loan. Indeed, Seattle-First testified that it repossessed 147 vehicles during the same period that it disposed of two leased vehicles.[34] Wells Fargo "repossessed" approximately 370 leased vehicles in 1975 (out of a total of 17,000) for failure to make payments, but only 30 additional automobiles were returned at the close of the lease period.[35] Even if the number of leased vehicles returned to the bank lessors was significantly greater, the disposal of such vehicles wholesale, or through auction on the same basis as repossessed vehicles in the case of a secured loan, is merely a necessary incident to automobile leasing. It is conducted in a routine manner and does not involve bank holding companies in merchandising to any significant degree.

One opposing party has presented a series of brochures advertising the leasing activities of some banks and a very small number of bank holding companies in an attempt to show that banks themselves view automobile leasing in terms of merchandising automobiles rather than financing or extending credit. This literature emphasized such services as locating the vehicle of the customer's choice, purchasing it on favorable terms, delivering it without cost and disposing of it at the conclusion of the lease term.

Such advertising is likely to be used only in the case of direct leasing, according to testimony by the proponents, since in the case of indirect leasing these services are performed by the auto dealer with whom the prospective lessee negotiates.[36] If the advertising is prepared by the bank holding company for use by all of the dealers in its network and merely demonstrates the dealers' services as opposed to those of the holding company, the Board believes no issue as to merchandising by the holding company is raised.

When such advertising emphasizes certain incidental leasing services of the bank holding company itself, however, such advertising still does not alter the basic nature of the lease transaction. It appears customary to obtain lending or leasing business by emphasizing the automobile such a loan or lease will secure. The Board also notes that the Consumer Leasing Act has an express provision regulating the advertising of leases,[37] and that this will provide the necessary safeguards against deceptive advertising.

However, in order to insure that leasing of automobiles by bank holding companies remains essentially a financing transaction and does not take on the character of merchandising, the Board believes it appropriate to define more fully the requirement of the existing regulation that bankholding company leasing be conducted on a nonoperating basis. Accordingly, the Board is amending its personal property leasing regulation by adding the following footnote.

For purposes of the leasing of automobiles, the requirement that the lease be on a nonoperating basis means that the bank holding company may not, directly or indirectly provide for the servicing, repair or maintenance of the leased vehicle during the lease term; purchase parts and accessories in bulk or for an individual vehicle after the lessee has taken delivery of the vehicle; provide for the loan of an automobile during servicing of the leased vehicle; purchase insurance for the lessee; or provide for the renewal of the vehicle's license merely as a service to the lessee where the lessee could renew the license without authorization from the lessor.

With this additional safeguard and the other limitations on the automobile leasing activities of bank holding companies already contained in the regulation, the Board concludes that the essence of automobile leasing will remain the financing of the use and control of a vehicle by a lessee. It is the equivalent of a loan and thus meets a second of the tests for establishing that an activity is closely related to banking.

II. The Proper Incident to Banking Test

The determination that automobile leasing by bank holding companies is "closely related to banking or managing or controlling banks" resolves the first portion of the two-part test of section 4(c)(8). Resolution of the second issue, whether bank holding company automobile leasing "can reasonably be expected to produce benefits to the public * * * that outweigh possible adverse effects," is usually achieved through the consideration of the individual applications of bank holding companies to engage in automobile leasing. This is the case since the public benefits or adverse effects may vary considerably with each application depending on such factors as the size and condition of the applicant and the competitiveness of the relevant market. Nevertheless, before placing a nonbanking activity on the list of activities that have been found to be "closely related to banking or managing or controlling banks," the Board finds it desirable to make a generalized examination of the activity and to determine, as a general matter, whether the balance of reasonably expected public benefits and possible adverse effects is such that it would be in the public interest for bank holding companies to enter the industry in question. Particularly in the case of uncontested applications to engage de novo in the proposed activity, the public benefits findings made during the rulemaking proceeding may prove helpful or perhaps dispositive.

With respect to the question whether bank holding company performance of leasing activities may lead to possible unfair competition, opponents contend that independent lessors are unable to compete with either the direct or indirect leasing programs of bank holding companies because of significant differentials in the cost of funds. Since banks are the source of funds for the independent lessons, the opposing parties claim that bank holding companies can and do require the independent lessors to pay interest rates that make it impossible for them to be competitive with bank-affiliated dealers and leasing subsidiaries.[38] They allege that in some instances leasing subsidiaries of bank holding companies may borrow funds from their parent corporations without interest.[39] Further, they contend that the financial resources of holding companies allow them to set the residual value on leased vehicles artifically high, thereby creating smaller monthly payments coupled with a large balloon payment at the end of the lease term. Independents are unable to match these lower monthly payments because it would mean a negative cash flow.[40]

The proponents contend that holding companies generally borrow funds at approximately the same rates as the independent lessors.[41] They state further that section 23A of the Federal Reserve Act effectively prohibits holding companies from borrowing from their banking subsidiaries and that holding companies must borrow their funds from other banks. They thus contend that leasing subsidiaries of holding companies are, therefore, in the same position as independent lessors vis-a-vis access to funds.[42] Moreover, if one bank were to set the price of funds for independent lessors artifically high, other banks would find it profitable to offer funds at a lower rate and thereby acquire new customers.[43] Almost all of the banking parties testified that, although involved in auto leasing, they continue to provide funds to independent lessors, and that there is an adequate number of banks competing to provide such financing.[44]

The Board finds that large independent lessors have approximately the same

See footnotes at end of document.

cost for borrowed funds as holding companies. It appears that the disparity between the cost of borrowed funds for holding companies and small independent lessors is based primarily on the relative size of holding companies rather than advantages gained from affiliation with the banking subsidiaries. Indeed, large independent lessors appear to have a similar advantage over small independent lessors with regard to the cost of borrowed funds. Further, the record demonstrates that holding companies obtain at least a portion of their funds by borrowing from unaffiliated banks.[47] It is the Board's judgment that access to the securities market or a lower cost of borrowed funds resulting from the size of holding companies does not represent an unfair competitive advantage, nor does it represent an attempt to use the assets of the subsidiary banks to obtain a unique competitive status.

The opponents argue that unfair competition between bank holding companies and the independent lessors that must borrow from the subsidiary banks of the same holding companies extends beyond the cost of funds. They allege that holding companies have access to significant confidential information regarding potential competitors, both independents and small dealers that are part of the holding company's indirect network of dealers. Indeed, the opponents suggest, although presenting no evidence to so demonstrate, that indirect leasing programs may simply be a means of making contact with the customers of small dealers so that they may later be transferred to the holding company's direct leasing system.[48] Additionally, they state that by auditing the books of the independent lessors to which loans are granted the holding companies may acquire confidential information concerning the independent lessor's business. As similar information with regard to the bank holding companies is not available to the independent lessors, the opponents state that they are placed at a competitive disadvantage.[49]

The American Bankers Association ("ABA") responded that it has taken a "strong position" with regard to protecting such information. The ABA also commented upon the fact that the leasing parties did not present a single example of misuse of such information.[50] The California Bankers Association ("CBA") stated that financial information obtained from independent lessors is not, as a matter of law, entitled to the same amount of protection as is individual consumer credit information. Absent "improper use" of such information concludes CBA, bank disclosure of such information to a leasing affiliate is not unlawful.[51] Moreover, the proponents indicated that lines of credit and interest rates are reported in the annual reports of bank holding companies [52] and independent lessors are well aware of the lease terms being offered by banks and bank holding companies through discussions with lessees and bank advertising.[53]

The record reflects that independent lessors have the option of obtaining financing from banks whose affiliates are not engaged in auto leasing.[54] Even borrowing from a bank subsidiary of a holding company that is so engaged results only in divulging information to that particular bank. Absent some sort of information pooling agreement, other bank holding companies would not have access to this data. There has been no allegation that such a pooling arrangement exists. Substantial amounts of information concerning the leasing operations of bank holding companies are publicly available. Although the misuse of confidential information is a possible adverse effect of allowing bank holding company entry into the leasing field, the Board concludes that such possibility should not be accorded significant adverse weight.

The opposing parties also contend that certain intrinsic qualities of the banking business also allow holding companies an unfair advantage. Banking has associated with it a shield of respectability that no other business may obtain [55] and banks can offer such inducements to prospective lessees as free checking accounts or safe deposit boxes.[56] The proponents respond that, to the extent consumers desire a lease package that includes maintenance and repair work, independent lessors have a significant advantage over bank holding companies as the latter are not permitted to offer such services.[57]

Although the Board is concerned about subsidiary banks offering their holding company affiliates services without compensation and has, in fact, directed its staff to prepare a general study of this issue for Board consideration, the competitive effect of free checking or free safe deposit boxes as an inducement to lease an automobile appears de minimis. Bank holding companies are not permitted to offer a variety of services provided by independent lessors such as maintenance and repair work, the provision of "loaner" automobiles while the leased vehicle is being repaired, the purchase of insurance for the lessee, the sale of auto accessories, and the maintenance of inventories of vehicles. When compared to these services, the offer of free checking or a free safe deposit box would not appear to give a holding company an unfair competitive advantage. Furthermore, the Board notes that such services apparently are offered only in isolated instances, most likely when the bank itself leases and not the bank holding company.

The opponents claim that holding companies may tie leasing services to other banking services. The proponents contend that the participation of holding companies in the leasing market may, in fact, prevent tying by other entities. As an example, it is said that auto dealers may be tempted to write leases requiring that all maintenance work be performed by that dealer. Further, small dealers may be required to finance their leasing activities with funds obtained from auto manufacturers. These manufacturers could tie the provision of such credit to other financial services such as floor plan financing for the dealer's inventory. Thus, it is said, allowing holding companies to engage in leasing will provide an alternative source of financing and thereby discourage this type of tying.[58] The proponents also note that section 106 of the Bank Holding Company Act prohibits the tying of services by banks and bank holding companies.[59]

The Board is of the view that it is not necessary for holding companies to engage in auto leasing in order to act as an alternative source of financing and thereby discourage tying in other segments of the industry. Such an effect could just as well be achieved through more traditional forms of extending credit. Consequently, it does not appear that any public benefits will be generated in this regard through holding company entry. With respect to possible adverse effects, section 106 of the Bank Holding Company Act provides a deterrent to holding company tying as it enables any person injured by such tying to bring a civil action for treble damages plus reasonable attorney's fees. Furthermore, the record of this proceeding is devoid of any examples of such tying and the Board believes that the unsubstantiated possibility of such tying does not constitute a significant adverse effect of bank holding company entry to this field.

With respect to the question whether performance of the activity may lead to decreased competition, the opponents point out that bank economic forecasters predicted in 1973 that entry of bank holding companies into the auto leasing field would produce a high mortality rate among smaller independent lessors. They contend that these small independent auto dealers offer true competitive alternatives in contrast to the automobile dealers involved in indirect leasing that offer the same single bank leasing program and are merely "economic vassals" of bank holding companies.[60] The opponents argue that, if holding companies seriously wish to encourage competition, they have but to make their wholesale lease financing lines available to the smaller auto dealers, thus allowing such dealers to compete independently without relying on a holding company's indirect leasing program. Holding companies are unlikely to offer wholesale lease financing to small dealers, however, if holding companies are permitted to engage in leasing themselves.[61] Rather than allowing smaller dealers to compete as independent lessors, the opponents contend that bank holding companies have entered the direct and indirect leasing fields on a massive scale and have expanded rapidly. The presence of banks and bank holding companies has increased with such speed in California, where much of the nation's auto leasing occurs, that in a short time several banks have acquired a larger market share than any independent lessor has after 30 years of operation, according to the leasing parties.[62] In the State of Washington, Seattle-First National Bank has achieved a sizable market share after only two years.[63]

See footnotes at end of document.

The opponents further contend that rapid expansion by holding companies has stifled the vigorous competition that existed beforehand. They state that in San Jose, California, bank lessors have virtually driven the independent lessors out of business.[62] It is asserted that independent lessors in San Jose were able to match the overall price offered to consumers if the residual value factor were included but that they were unable to offer monthly payments as low as those offered by banks.[63] Opponents contend that the auto leasing market share of California bank holding companies, 49 per cent, coupled with their predatory pricing tactics, will result in the destruction of the independents. Thereafter, it is said, holding companies will raise their prices and obtain monopoly profits. Finally, responding to claims that holding companies must engage in leasing in order to preserve their share of the auto financing market, the opponents state that businesses that merchandise autos must obtain their financing from banks whether those businesses sell or lease autos.[64]

The proponents dispute the assertion that the independent lessors will be driven out of the market. They point out that the history of the provision of consumer credit does not indicate that banks have displaced other consumer credit granting entities. After years of financing the sale of automobiles, banks in California finance only 49 per cent of those sold. By analogy one would not expect independent lessors to be displaced as a general matter.[65] The banking parties also allege that, although a considerable number of bank holding companies have entered the leasing field, the growth of such leasing by banks and bank holding companies has not kept pace with that of independent lessors.[66]

The proponents argue that, in order to control the auto leasing market and drive out independent lessors, bank holding companies would be required to engage in a conspiracy to deny funds to independent lessors. In fact, one bank engaged in leasing stated that in 1975 it helped to finance the operations of 97 independent lessors with loans of $195 million.[67] Further, unless accompanied by a withdrawal of alternative sources of funds such as General Motors Acceptance Corporation, any conspiracy to deprive independents of funding would be ineffective.[68] The proponents argue that, although NADA has contended for a number of years that independent lessors will be driven out of the market, it has produced no evidence to support this claim.[69]

As noted above, the Board has determined that large independent lessors have approximately the same cost for borrowed funds as bank holding companies; that any disparity between the cost of such funds for holding companies and small independent lessors is probably based on the relative size of holding companies, and that neither the lower cost of borrowed funds for large businesses such as holding companies or large independents, nor the ability of holding companies to avoid borrowing funds by resorting to the securities market, represents an unfair competitive advantage.

Inefficient holding companies will doubtless find themselves unable to compete with large, well-managed independent lessors over the long run. Furthermore, even small independent lessors may have the capacity to be quite competitive because of the restrictions placed on bank holding companies by the personal property leasing regulation, as modified above. Most significantly, holding companies may not provide maintenance or repairs for the vehicles they lease. They may not maintain inventories of cars, sell auto accessories, purchase insurance for their lessees, or provide "loaner" cars while the leased vehicle is being repaired. A segment of the leasing market may well desire these services and the record indicates that independent lessors provide all of these services.[70]

The contentions of the leasing parties that independent lessors will be driven from the leasing market with a resultant decrease in the level of competition appears to be based in part on the assumption that independent lessors face a group of holding companies that are acting in concert to eliminate their competitors by charging artificially low prices to their lessees, by unreasonably raising interest rates on loans made to independent lessors, or by simply refusing to make loans to independent lessors. There is no evidence of record to indicate that banks or bank holding companies are in fact engaged in such a conspiracy. Further, as the proponents have noted, the history of the involvement of banks in the area of consumer finance suggests that it is extremely unlikely that banks will charge independent lessors artificially high rates of interest or refuse to make funds available to independents. For example, while banks have routinely and traditionally made direct extensions of credit to consumers for the purchase of autos, they continue to make such loans indirectly through auto dealer intermediaries by discounting the notes that dealers have accepted from consumers.

The record does indicate that the automobile leasing industry as a whole has grown with considerable rapidity in recent years and that some holding company operations have become quite large. However, the statement by the opponents that holding companies now control 49 per cent of the leasing market in California appears to represent a misunderstanding of the observation that after many years of financing the sale of new cars banks have only 49 per cent of that segment of the financial industry.

In view of the above, the Board believes that independent lessors will continue to exist as strong competitors in the automobile leasing market. Further, there is no evidence of record to suggest that bank holding companies are not competing among themselves in this area, just as they do in other banking and nonbanking fields. The Board concludes that automobile leasing by bank holding companies, or banks, has not had anticompetitive effects in the past and is unlikely to result in decreased competition in the future.

The record does not provide sufficient data for the Board to conclude that bank holding company automobile leasing has had large procompetitive effects in the past. Nevertheless, the Board concludes that the addition to the total number of competitors that results from bank holding company entry as well as the innovation and increased competition which bank holding companies may offer can be reasonably expected to have procompetitive results, and there is some evidence of lower lease rates as a result of bank holding company entry.[71]

With respect to the issue of whether performance of the activity by bankholding companies will lead to possible unsound banking practices, the opponents state that, notwithstanding claims that bank holding company lessors are protected by their analysis of the creditworthiness of the lessee and the guarantee provision of open-end leases, the major factor in the success of an auto leasing business is the accurate projection of the residual value of leased vehicles. It is said that even open-end leases involve a substantial risk if the lessor makes an overly optimistic estimate of the residual value.[72] A considerable amount of expertise is required to make such estimates accurately, and this expertise is normally not possessed by bank holding companies. Consequently, auto leasing is said to involve a high degree of risk that endangers the capital adequacy of banks and holding companies.[73]

The opponents state that holding companies make unreasonable estimates of residual values so that the consumer's monthly payments may be artificially reduced.[74] They contend that since the Consumer Leasing Act shifts all of the risk involved in estimating the residual value to the lessor, the failure of holding companies to estimate residual value reasonably represents an unsound banking practice.[75] Even absent the Consumer Leasing Act, the leasing parties state that it is difficult to enforce a lessee guarantee provision due to the costs involved in litigation and the hesitancy of courts to rule in favor of the lessor in view of his superior knowledge of probable residual values.[76]

The proponents contend that holding companies utilize higher standards in assessing the credit worthiness of potential lessees than is the case with those who wish to finance the purchase of an auto.[77] Residual values are estimated conservatively, using the same basic methods applied by banks in all secured lending involving autos.[78] Banks with up to 12 years experience in auto leasing indicated that their percentage of delinquent accounts, total dollar losses per repossessed vehicle, and total number of autos repossessed has been relatively low, in most cases roughly comparable with their auto sales financing operations.[79]

The proponents state that any temptation to reduce the lessee's monthly payment by estimating an imprudently high

See footnotes at end of document.

residual value is counterbalanced by the associated reduction in the lessor's yield. Finally, proponents contend that the lessee's liability is not limited by the Consumer Leasing Act if the lessor makes a reasonable estimate of the residual value based on information available at the time the lease is written.[50]

It is the Board's judgment that the Consumer Leasing Act has a significant effect on the potential for abuse associated with an automobile leasing transaction. As discussed above, this Act provides that lessors are required to make a reasonable estimate of the residual value of leased property. To the extent the estimated residual value exceeds the actual residual value by more than three monthly payments, the Act creates a rebuttable presumption that the estimate is unreasonable and was not made in good faith. The Act further provides that such excess liability may not be collected except by mutual agreement or through litigation and that in such litigation the lessor is required to pay the lessee's reasonable attorney's fees unless the reason for the failure to accurately project the residual value is due to excessive wear and use of the vehicle by the lessee.

It does not appear that the provisions of this Act will result in unsound banking practices, however, as they will substantially reduce any tendency to overestimate residual value in order to create lower monthly payments. The low level of losses historically associated with bank and bank holding company leasing also diminishes the possibility that the Consumer Leasing Act will have significant adverse effects on the automobile leasing operations of bank holding companies and support statements by the banking parties that residual values are estimated in a conservative manner. The Board finds that the estimation of residual values is not an inherently unsafe activity and that holding companies have made such estimates in a reasonable manner that cannot be said to represent an unsound banking practice.

The opponents further contend that the low rates of interest at which holding companies provide funds to their leasing subsidiaries represent an unsound banking practice. If fair interest rates were charged, they argue, the supposed profits of leasing subsidiaries would be deflated and might even become losses.

The Board is unable to discern how the use of low interest rates for intracompany transfers of funds could represent an unsound banking practice. First, the subsidiary banks themselves are protected from abuse by the provisions of Section 23A of the Federal Reserve Act. Secondly, low interest loans by the holding company to subsidiaries cannot significantly alter the appearance of consolidated financial statements for purposes of determining profit and loss.

With respect to the question whether bank holding company performance of leasing activities can be reasonably expected to produce benefits to the public such as increased convenience, the opponents contend that, if properly performed, auto leasing involves the provision of a variety of services to accompany the leasing transaction.[51] These services include consumer counseling, maintenance and repair work, arranging for insurance coverage, provision of free "loaner" cars while the leased vehicle is being repaired, sale of auto accessories, sale and purchase of used vehicles, and generally keeping abreast of market developments to assure consumers that they receive the best possible price. The opponents argue that bank holding companies are either not allowed to offer these services or, in the case of consumer counseling, not qualified, and conclude that holding company lessors are not adequately serving the needs of their customers.[52]

The Board concludes that the fact that holding companies are not permitted to offer certain services does not indicate that their participation in the market does not lead to greater convenience for the public. The Board regards holding company leasing as representing an alternative to, rather than a replacement of, the type of leasing performed by independent lessors. Allowing bank holding companies to offer leasing services will create more leasing outlets for the consumer. The elimination of the limited type of leasing transaction offered by holding companies would be particularly undersirable in areas that have no independent lessors or whose needs are not adequately served by existing independent lessors.

The questionable nature of the claim that the limited type of leasing offered by holding companies does not adequately serve the public is emphasized by the fact that holding company leasing is intended to be the functional equivalent of an extension of credit. It has not been suggested, for example, that bank financing of auto sales is somehow inadequate because it does not include the type of services provided by auto dealers. Thus, the Board concludes that performance of the activity by bank holding companies will have benefits to the consumer in terms of increased convenience.

The opponents contend that some holding companies do not attempt to purchase autos at the lowest available price and consequently, do not offer consumers the full benefits of leasing.[53] Conversely, holding companies are said to deceive consumers by offering lower monthly payments on the basis of artificially high residual values with the result that consumers are required to make a substantial deficiency payment at the end of the lease term.[54] Proponents contend that some holding companies purposefully avoid paying the lowest possible price for the automobiles they purchase for lease because to do so would have an adverse effect on the quality of the warranty work performed for the lessor by the automobile dealer that sells it.[55] Proponents further argue that they have not overestimated residual values, and offer examples from their own experience to demonstrate that their estimates have been reasonable.[56] Furthermore, even if such practice had existed, the Consumer Leasing Act would have the effect of severally restricting it.

The Board believes that consumers should be allowed to choose between lease plans that provide differing amounts of additional or incidental services and determine how many or how few services to pay for. Such an increase in selection provides positive benefits to the consumer and it is reasonably expected that performance by bank holding companies of the activity will lead to such benefits.

With further reference to the questions of increased convenience and competition, the opponents state in response to claims that the indirect leasing programs of bank holding companies benefit small automobile dealers and create additional sources of leasing services, that any benefits which may accrue to dealers that are enabled to engage in leasing through indirect leasing programs are undermined to the extent that the same holding company is permitted to engage in direct leasing in competition with the independents.[57] Further, they contend that the individual dealer in an indirect leasing program is not a separate competitor providing an alternative source of leasing services to the consumer because the holding company funding the indirect leasing program is the only actual competitor.[58]

The proponents contend that holding company leasing has markedly increased the number of auto dealers that are able to offer leasing and, thus, the number of leasing outlets. Seattle-First National Bank states that 300 of the approximately 480 new car dealers in the State of Washington utilize its indirect leasing program,[59] while Wells Fargo Bank states that in 1975 it was providing indirect lease financing through 750 dealerships that wrote a total of 17,000 leases.[60] The proponents argue that were it not for this type of leasing arrangement small dealers would be unable to provide auto leasing and the public's alternatives would be significantly diminished.[61]

Furthermore, proponents state that holding company leasing has not precluded other types of auto financing; that banking subsidiaries continue to extend credit to finance both new car sales and the operations of independent lessors.[62] Moreover, dealers that utilize indirect leasing programs receive their profit more rapidly than is the case with coventional financing.[63] They contend that by providing an alternative to conventional financing, leasing also allows dealers to garner increased sales.[64] Additional public benefits arise through holding company leasing in rural areas that would otherwise have no leasing outlets.[65] Finally, proponents state that in some areas of the country holding company leasing has resulted, or is expected to result, in lower costs to consumers.[66]

In the Board's judgment, in view of the history of the involvement of banks in the area of consumer finance, it is unlikely that a holding company's addition of a direct leasing plan to an in-

See footnotes at end of document.

direct program will have a negative impact on dealers participating in the indirect program. Banks have demonstrated that they are prepared to utilize several methods of financing the same type of transaction and it seems reasonable to expect that they will do so in the leasing area also. The record indicates that in practice direct and indirect methods of holding company leasing are not incompatible.[27] Moreover, allowing direct leasing provides additional locations at which a lease may be obtained and is therefore more convenient for the consumer. Direct leasing by bank holding companies also adds a completely independent competitor to the market.

The contentions of opponents that auto dealers participating in indirect leasing plans are not independent competitors are undermined by the fact that dealers may participate in several plans at once. It does, however, appear reasonable to assume that dealers involved in only one such plan are not independent competitors and might be more accurately described as agents for a particular holding company. Despite this, it must be noted that even in this instance, the holding company is added to the number or competitors in the market served by the dealer. By participating in several indirect leasing programs, the dealer may gain a certain degree of independence and additional holding companies may become competitors in the dealer's market area.

More significantly, the large number of leasing outlets associated with an indirect leasing plan is clearly more convenient for the public, particularly in areas that cannot support an independent leasing operation. Thus the Board is of the view that bank holding company leasing, whether of the direct or indirect type, provides a significant public benefit in terms of greater convenience for the community to be served, and provides a benefit in terms of increased competition.

With regard to the issue of whether holding company auto leasing will create gains in efficiency, the opponents contend that bank holding companies are not leasing experts and therefore cannot create such gains. Proponents respond that by using the centralized facilities of a bank holding company, small auto dealers are able to substantially reduce the cost of administering a leasing program and that the resulting savings may be passed on to the consumer.

The Board is of the view that the contention of the opponents that holding companies cannot create greater efficiencies because they are inexperienced in leasing is dubious in view of the fact that national banks have been permitted to engage in auto leasing since 1963, and many have experience that can be transferred to their parent holding companies. Moreover, holding companies have been involved in the related field of auto finance for decades. Accordingly, the Board concludes that banks and bank holding companies have had significant experience in the administration of automobile leasing and automobile sales financing programs and that gains in efficiency can reasonably be expected to result from making this expertise available to small automobile dealers through indirect leasing programs.

On the basis of the foregoing, the Board concludes that automobile leasing is closely related to banking or managing or controlling banks. The Board has further determined that performance of this activity by an affiliate of a holding company can reasonably be expected to produce benefits to the public which outweigh possible adverse effects and that the activity is, therefore, a proper incident to banking or managing or controlling banks. The Board has therefore determined that bank holding companies should be allowed to continue to conduct automobile leasing activities in a manner consistent with the Board's personal property leasing regulation. The Board has, however, determined in accordance with the above discussion, that it would be appropriate to provide a further definition of the requirement that a lease be on a nonoperating basis. Accordingly, pursuant to section 4(c)(8) of the Bank Holding Company Act, the Board has decided herein to amend its personal property leasing regulation.

1. Effective October 13, 1976, § 225.4(a)(6)(iii) is hereby amended by adding a new footnote 4 at the end of § 225.4(a)(6)(iii) to read as follows:

§ 225.4 Nonbanking activities.

(a) Activities closely related to banking or managing or controlling banks. * * *

* * * * * *

(6)(i)(*a*) Leasing personal property or acting as agent, broker or adviser in leasing such property: *Provided:*

* * * * *

(iii) The lease is on a nonoperating basis;[4]

[4] For purposes of the leasing of automobiles, the requirement that the lease be on a nonoperating basis means that the bank holding company may not, directly or indirectly, provide for the servicing, repair or maintenance of the leased vehicle during the lease term; purchase parts and accessories in bulk or for an individual vehicle after the lessee has taken delivery of the vehicle; provide for the loan of an automobile during servicing of the leased vehicle; purchase insurance for the lessee; or provide for the renewal of the vehicle's license merely as a service to the lessee where the lessee could renew the license without authorization from the lessor.

2. As an incident to this amendment, footnotes 4 to 12 are redesignated 5 to 13.

By order of the Board of Governors, effective October 13, 1976.

THEODORE E. ALLISON,
Secretary of the Board.

See footnotes at end of document.

FOOTNOTES

[1] The Board has considered all submissions of the parties to this proceeding. It has considered all suggestions for changes in the Board's existing personal property leasing regulation as applied to the lease of automobiles. In this Order, the Board has summarized and dealt specifically with the major arguments and suggestions of all parties in adopting a regulation permitting bank holding companies to continue to engage in automobile leasing. To the extent that any arguments and suggestions opposing the regulation are not treated individually in this Order, they have been considered and dismissed as without merit.

[2] See the Board's Order of November 15, 1973, adding courier activities to the list of activities in the Board's Reg. Y that are permissible for bank holding companies. 1973 Federal Reserve Bulletin 893. See also *National Courier Association* v. *Board of Governors*, 516 F.2d 1239, 1237 (D.C. Cir. 1975).

[3] Testimony of Professor Bower: Letter, dated March 12, 1976, pp. 5–8 and Transcript (hereinafter abbreviated Tr.), pp. 154–56; California Bankers Assoc. (hereinafter "CBA"), March 12, 1976, p. 7.

[4] Tr., p. 68; 1975 Federal Reserve Bulletin 414.

[5] Federal Reserve Bank of Chicago December 22, 1976, p. 2, citing 1975 Federal Reserve Bulletin 414.

[6] Tr., p. 68; Trust Company of Georgia, March 4, 1976, and United States National Bank of Oregon, December 22, 1975.

[7] CBA, March 12, 1976, p. 1.

[8] Tr., p. 66.

[9] Fulton Bank, Lancaster, Pennsylvania, December 2, 1975, and Boatman's Bank, St. Louis, Missouri, December 19, 1975.

[10] See, for example, Tr., pp. 6, 8–9, 156–159, 182, 184; CBA, March 12, 1976, pp. 8–11.

[11] See, for example, Tr., pp. 39, 42, 110–119, 220; NADA, December 22, 1975, pp. 9–19, Southwest Leasing Corp ("SW"), December 15, 1975, pp. 3–4.

[12] Tr., pp. 8–9, 77–79, Sellon, Inc., Toledo, Ohio, December 16, 1975.

[13] Tr., pp. 104–106.

[14] Tr., pp. 40, 117–118.

[15] 391 F. Supp. 1290 (W.D. Wash. 1975).

[16] Tr., pp. 19, 90, 104, 106, 126.

[17] Tr., pp. 11, 45, 56–58, 62, 72, 89, 95, 165, 176, 180.

[18] Tr., pp. 11, 176, 180.

[19] See note 16.

[20] See note 15.

[21] 90 Stat. 257, codified as 15 U.S.C. 1667 (1976).

[22] NADA, April 23, 1976, pp. 9–13, and American Imported Automobile Dealers Assn., April 22, 1976, and SW, April 13, 1976.

[23] House Report, No. 544, 94th Cong., 1st Sess., 1975; 121 Cong. Record, H10308–10312.

[23A] S. Rep. No. 590, 94th Cong., 2d Sess., 1973.

[24] Tr., p. 31.

[25] The Board believes in light of the "safety factors" used by banks and bank holding companies in estimating residual values, it is likely that any deficiency will be less than the average of three monthly rental payments. See Tr., pp. 9, 72, 166.

[26] Tr., pp. 41, 104–105, 111–113, 117–119, NADA, December 22, 1975.

[27] Tr., pp. 8–10, 71–72, Sellon, Inc., supra, and First Hawaii Bank, December 17, 1975.

[28] Tr., pp. 9, 71, 166, 175, 180.

[29] Tr., pp. 10, 77, CBA, March 12, 1976.

[30] Tr., p. 96.

[31] Tr., pp. 165, 176.

[32] Tr., pp. 72.

[33] Tr., p. 11.

[34] Tr., p. 11.

[35] Letter from Wells Fargo Bank, p. 13, March 12, 1976.
[36] Tr., p. 76.
[37] Section 184, 90 Stat. 259, 15 U.S.C. 1667 (c) (1976).
[38] Tr., p. 48; SW December 15, 1975, p. 8.
[39] SW, April 21, 1976, p. 1.
[40] Tr., p. 58.
[41] Tr., pp. 169, 190.
[42] Tr., pp. 169, 180–81.
[43] Tr., p. 53.
[44] Tr., pp. 201–202.
[45] Tr., pp. 169, 190.
[46] Tr., p. 137.
[47] Tr., p. 224.
[48] ABA, April 23, 1976, p. 1.
[49] CBA, April 23, 1976, pp. 14–16.
[50] Tr. p. 169.
[51] Tr., p. 232; NADA, April 23, 1976, Appendix A; California Doctors Leasing Service, Inc., April 23, 1976.
[52] Tr., pp. 153, 181, Dick Bullis Car Lease Corp., December 15, 1975.
[53] American Imported Automobile Dealers Assoc., April 22, 1976, p. 7.
[54] SW, December 15, 1975, p. 8.
[55] Seattle-First National Bank, April 20, 1976, p. 5.
[56] Tr., p. 86.
[57] Tr., p. 87.
[58] NADA, December 22, 1975, pp. 21–22.
[59] NADA, April 23, 1976, p. 19.
[60] SW, December 15, 1975, p. 8.
[61] Ibid.
[62] Tr., p. 222.
[63] Tr., p. 123.
[64] Tr., p. 153.
[65] Tr., p. 196.
[66] Tr., p. 75.
[67] Tr., p. 172.
[68] Tr., p. 181.
[69] Seattle-First National Bank, March 12, 1976, pp. 18–20.
[70] Tr., pp. 43, 216–218.
[71] Tr., p. 188.
[72] NADA, December 22, 1975, pp. 22–23.
[73] Id., pp. 21–23.
[74] Tr., pp. 42, 58.
[75] NADA, April 23, 1976, pp. 19–20.
[76] Tr., pp. 51–52.
[77] Tr., p. 12.
[78] Tr., pp. 8–18, 71–72, 175.
[79] Tr., pp. 12, 74, 165, 176, 178.
[80] Seattle-First National Bank, April 20, 1976.
[81] Tr., pp. 212–220.
[82] NADA, April 23, 1976, p. 14; SW, December 15, 1976.
[83] Tr., pp. 213–214.
[84] Tr., p. 238.
[85] Tr., p. 99.
[86] Tr., p. 9, 72.
[87] Tr., p. 114.
[88] NADA, April 23, 1976, pp. 18–19.
[89] Tr., p. 8.
[90] Tr., p. 173.
[91] Seattle-First National Bank, March 12, 1976, pp. 18–20.
[92] Tr., pp. 13, 171–73, 201–202.
[93] Tr., p. 16.
[94] Tr., p. 83.
[95] Tr., p. 80.
[96] Tr., pp. 26, 188.
[97] Tr., p. 71.

[FR Doc.76-30586 Filed 10-18-76;8:45 am]

Title 13—Business Credit and Assistance

CHAPTER III—ECONOMIC DEVELOPMENT ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 303—ECONOMIC DEVELOPMENT DISTRICTS

Pursuant to the authority vested in it by section 701 of the Public Works and Economic Development Act of 1965, as amended, the Economic Development Administration hereby amends 13 CFR Part 303.4 to specify the minimum ratio of private citizen representation on district governing bodies, as recommended by the National Public Advisory Committee on Regional Economic Development. A new paragraph (c) (3) is therefore added to reflect the Committee's unanimous recommendation. It states that one-third, or the nearest whole number less than one-third, of the members of the governing body of a district organization shall be private citizens who are neither elected officials of, nor employees of, general purpose local government.

Development organizations having an ongoing relationship with EDA are given ample time to comply with this provision by natural turnover in membership or, if necessary, by amending their by-laws or other governing rules. Specifically, new language is added to Section 303.4 to the effect that development organizations receiving grants for planning and administrative purpose as of October 1, 1976, and economic development districts designated as of that date, are to comply with the revised private citizen representation requirement no later than January 1, 1978.

In that the material contained herein is a matter relating to the EDA grant and loan program and because these amendments are corrections of existing regulations, the relevant provisions of the Administrative Procedure Act (5 U.S.C. 553) requiring notice of the proposed rulemaking opportunity for public participation and delay in effective date are inapplicable.

In accordance with the spirit of the public policy set forth in 5 U.S.C. 553, interested persons may submit written comments or suggestions regarding these amendents to the Assistant Secretary for Economic Development, U.S. Department of Commerce, Room 7800B, Washington, D.C. 20230, within thirty days from the date of publication. All suggestions will be considered in revising or amending these regulations. Until such time as further changes are made, however, the amended regulations shall remain in effect, thus permitting the public business to proceed more expeditiously.

Consideration has been given as to whether matters set forth in these regulations constitute a major proposal with an inflationary impact within the meaning of OMB Circular No. A-107 and the interpretative guidelines issued by the Department of Commerce. It has been determined that these regulations do not constitute action requiring an inflationary impact statement.

In consideration of the foregoing, 13 CFR Chapter III is hereby amended.

1. Paragraph (a) of § 303.4 is amended by designating it as paragraph (a) (1) and by adding a new paragraph (a) (2) as follows:

§ 303.4 District organization.

(a) (1) * * *

(2) Each development organization which was the recipient of an EDA grant-in-aid for administrative expense purposes on or before October 1, 1976, and each economic development district designated as of that date, shall comply with the revised representation requirement stipulated in paragraph (c) (3) of this section no later than January 1, 1978.

2. Paragraph (c) § 303.4 is amended by redesignating paragraph (c) (4) as paragraph (c) (3) and by adding the following new paragraph (c) (3) as follows:

* * * * * *

(c) * * *

(3) One-third, or the nearest whole number less than one-third, of the members of the governing board of the district organization shall be private citizens who are neither elected officials of, nor employees of, a general purpose unit of local government.

* * * * * *

(Sec. 701, Pub. L. 89-136, 79 Stat. 570 (42 U.S.C. 3121); Department of Commerce Organization Order 10-4, 40 FR 55702.)

NOTE.—It is hereby certified that the economic and inflationary impacts of this regulation have been carefully evaluated in accordance with OMB Circular No. A-107.

Effective date: This amendment becomes effective on October 19, 1976.

Dated: October 8, 1976.

J. W. EDEN,
Assistant Secretary for Economic Development.

[FR Doc.76-30590 Filed 10-18-76;8:45 am]

PART 309—GENERAL REQUIREMENTS FOR FINANCIAL ASSISTANCE

Amendment to Grant and Loan Program Regulations

Pursuant to the authority vested in it by section 701 of the Public Works and Economic Development Act of 1965, as amended (hereafter referred to as the Act), the Economic Development Administration (EDA) hereby amends 13 CFR Part 309 for the purpose of revising its policy with regard to project modifications.

Section 309.26(c) (1) is amended to allow, under certain circumstances, a type of modification which previously was not permitted. As revised, § 309.26 (c) (1) would permit changes in the economic or community development purpose of a project where the Assistant Secretary makes a determination that such a change substantially furthers the economic and community development objectives of the project. This amendment provides the project modification regulation with a needed degree of flexibility.

In that the matter contained herein relates to the EDA grant and loan program, the relevant provisions of the Administrative Procedure Act (5 U.S.C. 553) requiring notice of the proposed rulemaking, opportunity for public participation, and delay in effective date are inapplicable.

In accordance with the spirit of the public policy set forth in 5 U.S.C. 553, interested persons may submit written

comments or suggestions regarding this amendment to the Assistant Secretary for Economic Development, U.S. Department of Commerce, Room 7800B, Washington, D.C. 20230 on or before November 18, 1976. Until such time as further changes are made, however, this amendment shall remain in effect, thus permitting the public business to proceed more expeditiously.

Consideration has been given as to whether the matter set forth in this regulation constitutes a major proposal with an inflationary impact within the meaning of OMB Circular No. A-107 and the interpretative guidelines issued by the Department of Commerce. It has been determined that this regulation does not constitute action requiring an inflationary impact statement.

In consideration of the foregoing, 13 CFR Part 309 is hereby amended by revising § 309.26(c)(1) to read as follows:

§ 309.26 Project modification.

* * * * *

(c) * * *

(1) Changes in the economic or community development purpose of the project unless the Assistant Secretary determines that under the circumstances existing in regard to the particular project such changes would substantially further the economic and community development objectives of the project;

AUTHORITY: Sec. 701, Pub. L. 89-136, 79 Stat. 570 (42 U.S.C. 3121 et seq.), Department of Commerce Organization Order 10-4, 40 FR 56702.

Effective date: This amendment becomes effective on October 19, 1976.

It is hereby certified that the economic and inflationary impacts of this regulation have been carefully evaluated in accordance with OMB Circular No. A-107.

Dated: October 8, 1976.

J. W. EDEN,
Assistant Secretary for Economic Development.

[FR Doc.76-30550 Filed 10-18-76;8:45 am]

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-2391]

PART 1914—COMMUNITIES 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 § 1912.5, 24 CFR Part 1912).

The Flood Disaster Protection Act of 1973 (Public L. 93-234) 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 for at least one year 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 except as authorized by Section 202(b) of the Act, as amended, 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 interests. The Administrator also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

Section 1914.6 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:

§ 1914.6 List of eligible communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	Community No.
•	•	•	•	•	•
New York	Otsego	Westford, town of	Oct. 12, 1976, emergency	Oct. 25, 1974 June 11, 1976	361282A
South Dakota	Minnehaha	Garretson, city of	do	Sept. 26, 1975	460177
•	•	•	•	•	•
Idaho	Bear Lake	Paris, city of	Oct. 12, 1976, emergency	Sept. 19, 1975	160183
Michigan	Mecosta	Morley, village of	do	do	260595
Missouri	St. Louis	Velda Village, city of	do	Aug. 6, 1976	290643
New Hampshire	Cheshire	Westmoreland, town of	do	Jan. 17, 1975	330239
Pennsylvania	Clearfield	Girard, township of	do	Apr. 4, 1975	422391
Do	Somerset	Indian Lake, borough of	do		422513
Texas	Harris	Pasadena, city of	July 2, 1971, emergency; May 26, 1970, regular	May 24, 1975 Nov. 7, 1975	480307O
•	•	•	•	•	•
Alabama	Marshall	Albertville, city of	Oct. 13, 1976, emergency		010344
Maine	York	Parsonfield, town of	do	June 28, 1974	230154
Do	Androscoggin	Sabattus, town of	do	May 31, 1974 June 18, 1976	230011A
Michigan	Sanilac	Croswell, city of	do	Apr. 11, 1975	260515
Missouri	Nodaway	Barnard, city of	do	July 11, 1975	290768
Ohio	Lucas	Harbor View, village of	Oct. 8, 1976, emergency	Aug. 8, 1975	390702
Do	Madison and Union	Plain City, village of	Oct. 13, 1976, emergency	July 25, 1975	390625
Pennsylvania	Clarion	Hawthorn, borough of	do	Dec. 27, 1974	421603
•	•	•	•	•	•
New Hampshire	Merrimack	Boscawen, town of	Oct. 14, 1976, emergency	Mar. 15, 1974	330105
Ohio	Portage	Windham, village of	do	do	390159A
Oklahoma	Johnston	Tishomingo, city of	do	Jan. 16, 1974 May 7, 1976	400077A
•	•	•	•	•	•
Iowa	Appanoose	Mystic, city of	Oct. 15, 1976, emergency	Nov. 1, 1974 Jan. 30, 1976	190010A
New Hampshire	Grafton	Lyman, town of	do		330008
New York	Essex	Willsboro; town of	do		360207A
Ohio	Portage	Ravenna, city of	do		390458
•	•	•	•	•	•
Colorado	Weld	Frederick, town of	Oct. 18, 1976, emergency	Sept. 26, 1975	080244
Texas	Kendall	Unincorporated areas	do	Dec. 27, 1974	480417

(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: October 8, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76-30449 Filed 10-18-76;8:45 am]

Title 29—Labor

Subtitle A—Office of the Secretary of Labor

PART 97—SPECIAL FEDERAL PROGRAMS AND RESPONSIBILITIES UNDER THE COMPREHENSIVE EMPLOYMENT AND TRAINING ACT

Migrant and Other Seasonally Employed Farmworker Programs

On Tuesday, August 24, 1976, the Department of Labor published in the FEDERAL REGISTER (41 FR 35723) a proposed amendment of the regulations under the Comprehensive Employment and Training Act for title III, section 303. The Department invited interested persons to submit comments on the proposed amendments until September 8, 1976.

Only one comment was received and that contained no objection to the substance of the proposed amendment.

The purpose of this issuance is to amend Part 97, Subpart C, § 97.215. The amendment will become effective November 15, 1976.

The revised amendment is set forth below:

§ 97.215 Review of funding requests.

* * * * *

(b) *Selection of potential grantees.* (1) As a result of the procedures set forth in paragraph (a) of this section, of consideration of the potential effectiveness and efficiency of the proposed programs, and of comments received pursuant to § 97.214(c), the Secretary shall designate potential grantees to receive a grant under section 303 for program operations on a designated target area. The consideration of the potential effectiveness and efficiency of the proposed programs includes but is not limited to the following: (i) cost effectiveness, and (ii) service delivery consideration.

(2) The Secretary may conditionally designate organizations as potential grantees pending resolution of their eligibility status, submission of additional documentation, or changes in the proposed program.

(3) The Secretary also reserves the right to defer designation of any organization which has submitted a Funding Request for a State or area or to invite the submission of new proposals. Such designations will be deferred pending (i) adequate time to consider performance of current CETA section 303 applicants, or (ii) timely and satisfactory correction of deficiencies by applicants in their current CETA section 303 programs.

Signed this 15th day of October 1976, at Washington, D.C.

WILLIAM H. KOLBERG,
Assistant Secretary for Employment and Training.

[FR Doc.76-30703 Filed 10-18-76;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 128—DEPARTMENT OF JUSTICE

PART 128–1—INTRODUCTION

Initial Issue

This is the initial issue of the Department of Justice Property Management Regulations published under the authority of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 486(c)), and §§ 0.75(j) and 0.76(o) of Title 28, Code of Federal Regulations. This portion establishes the Department of Justice Property Management Regulations as Chapter 128 of the Federal Property Management Regulations System and provides for the delegation of certain authorities within the Department.

Title 41 CFR is amended by adding a new Chapter 128 headed as set forth above and a new Part 128–1 to read as follows:

Subpart 128–1.1—Regulation System

Sec.
128–1.100 Scope of subpart.
128–1.101 Justice Property Management Regulations.
128–1.105 Authority for JPMR.
128–1.152 Citation.

Subpart 128–1.50—Authorities and Responsibilities for Personal Property Management

128–1.5001 Scope of subpart.
128–1.5002 Definitions.
128–1.5002–1 Acquire.
128–1.5002–2 Department.
128–1.5002–3 Head of the Agency/Department.
128–1.5002–4 Bureau.
128–1.5002–5 Personal property.
128–1.5002–6 Personal property management.
128–1.5002–7 Property management officer (PMO).
128–1.5002–8 Property custodian (PC).
128–1.5002–9 Supply support system.
128–1.5003 Primary authority and responsibility.
128–1.5004 Basis for delegations of authority and assignment of responsibilities.
128–1.5005 Delegations of authority.
128–1.5005–1 Primary delegations.
128–1.5005–2 Redelegations of authority.
128–1.5006 General responsibilities.
128–1.5006–1 Head of bureau.
128–1.5006–2 Property management officer.
128–1.5006–3 Department employees.

AUTHORITY: 5 U.S.C. 301, 40 U.S.C. 486(c), 41 CFR 101–1.108, and 28 CFR 0.75(j).

Subpart 128–1.1—Regulation System

§ 128–1.100 Scope of subpart.

This subpart introduces the Department of Justice Property Management Regulations (JPMR) as part of the Federal Property Management Regulations System (FPMR) (41 CFR Part 101); states its relationship to the FPMR; and provides instructions for the issuance and use of these property management policies and procedures of the Department of Justice.

§ 128–1.101 Justice Property Management Regulations.

The JPMR, established in this subpart, implement and supplement, as necessary, the FPMR provisions governing the acquisition, utilization, management, and disposal of real and personal property. The JPMR are issued to establish uniform property management policies, regulations, and, as necessary, procedures in the Department of Justice.

§ 128–1.105 Authority for JPMR.

The Department of Justice Property Management Regulations are prescribed by the Assistant Attorney General for Administration under authority of 5 U.S.C. 301, 40 U.S.C. 486(c), 41 CFR 101–1.108, and 28 CFR 0.75(j).

§ 128–1.152 Citation.

The JPMR will be cited in accordance with the FEDERAL REGISTER standards applicable to the FPMR. Accordingly, when this section is referred to formally in official documents, it should be cited as "41 CFR 128–1.152." When a section of the JPMR is referred to informally, however, it may be identified simply by "JPMR" followed by the complete paragraph reference number, e.g., "JPMR 128–1.152."

Subpart 128–1.50—Authorities and Responsibilities for Personal Property Management

§ 128–1.5001 Scope of subpart.

This subpart sets forth general definitions of terms used throughout the JPMR and states responsibilities and

authorities within the Department of Justice as they pertain to personal property management functions.

§ 128–1.5002 Definitions.

§ 128–1.5002–1 Acquire.

To procure, purchase, or obtain in any manner, except by lease, including transfer, donation or forfeiture, manufacture, or production at Government-owned plants or facilities.

§ 128–1.5002–2 Department.

The Department of Justice, including all its Bureaus and their respective field operations in all locations.

§ 128–1.5002–3 Head of the Agency/Department.

The Attorney General of the United States.

§ 128–1.5002–4 Bureau.

The Federal Bureau of Investigation; the Law Enforcement Assistance Administration; the Immigration and Naturalization Service; the Drug Enforcement Administration; the Bureau of Prisons; the Federal Prison Industries, Incorporated; and the Operations Support Staff (OSS) of the Office of Management and Finance. The OSS has authority and is responsible for all personal property management functions for the Offices, Boards, and Divisions of the Department, the United States Marshals Service, and the United States Parole Commission.

§ 128–1.5002–5 Personal property.

Property of any kind or interest therein, except real and related property (as defined in FPMR 41 CFR 101–43.104–15), records of the Federal Government, and naval vessels, cruisers, aircraft-carriers, destroyers, and submarines (FPMR 41 CFR 101–43.104–13). For management and accounting control, personal property is categorized as follows:

(a) "Expendable personal property" is that which, by its nature or function, is consumed in use; is used as repair parts or components of an end product considered nonexpendable; or has an expected service life of less than one year.

(b) "Non-expendable personal property" is that which is complete within itself, does not lose its identity or become a component part of another article when put into use, and is of a durable nature with an expected service life one or more years.

(c) "Controlled personal property" is that personal property for which good management practice dictates that it would be in the interest of the Government to assign and record accountability to assure the proper use, maintenance, protection and disposal of property for which the Government is responsible. Includes, but is not restricted to property which:

(1) Is leased by, in the custody of, or is loaned to or from the Department.

(2) Due to inherent attractiveness and/or portability is subject to a high probability of theft or misuse.

(3) Is warranteed, requires knowledge of age and/or previous repair data when determining whether repair or replacement is appropriate.

§ 128–1.5002–6 Personal property management.

A system for controlling the acquisition, receipt, storage issue, utilization, maintenance, protection, accountability, and disposal of personal property to best satisfy the program needs of the Department.

§ 128–1.5002–7 Property management officer (PMO).

An individual responsible for the overall administration, coordination, and control of the personal property management program of a bureau. The designation as PMO may or may not correspond to the individual's official job title.

§ 128–1.5002–8 Property custodian (PC).

An individual responsible for the immediate physical custody of all personal property under his control and for providing documentation as required on all actions affecting the personal property within his jurisdiction. The designation as PC may or may not correspond to the individual's official job title.

§ 128–1.5002–9 Supply support system.

The sum of all actions taken in providing buildings, equipment, supplies, and services to support program areas.

§ 128–1.5003 Primary authority and responsibility.

(a) The Attorney General of the United States has the primary authority and responsibility for providing direction, leadership, and general supervision in the development and administration of an effective and efficient supply support system for the Department, to include:

(1) The establishment of Department-wide policies, directions, regulations, and procedures satisfying the requirements of law, regulations, and sound management practice; and

(2) The review, evaluation, and improvement of personal property management programs, functions, operations, and procedures throughout the Department.

(b) Pursuant to 28 CFR 0.75 and subject to the general supervision of the Attorney General and the direction of the Deputy Attorney General, the functions described above are assigned to the Assistant Attorney General for Administration as delegations of authority.

§ 128–1.5004 Basis for delegations of authority and assignment of responsibilities.

Certain personal property management functions can be performed by an individual only under a specific grant of authority to that individual. Other functions may be performed simply on the basis of general instructions or directions or by virtue of an individual occupying the position to which the responsibility for the function is assigned. In either situation, to eliminate excessive delay and to reduce unnecessary involvement of multiple management levels, it is considered generally desirable to place authority and responsibility for and to exercise property management actions at the lowest organizational unit practical. Accordingly, specific redelegations of the authority vested in the Assistant Attorney General for Administration are made to the heads of bureaus for the personal property management functions listed in § 128–1.5005 below. The authority to prescribe and issue Department-wide policies, regulations, and procedures for personal property management is not redelegated and remains solely within the jurisdiction of the Assistant Attorney General for Administration.

§ 128–1.5005 Delegations of authority.

§ 128–1.5005–1 Primary delegations.

The following authorities are redelegated to the heads of bureaus for use within their respective jurisdictions and shall be exercised in accordance with the policies and procedures established by the Assistant Attorney General for Administration.

(a) Designating the PMO, for the bureau, within the following limitations:

(1) Only one PMO is to be designated for the bureau, at the bureau level. Neither the title designation nor the responsibilities of the PMO are to be delegated below that level.

(2) One or more PC's also may be designated for the bureau, depending upon the size and complexity of the organizational structure. Each PC is responsible solely for that property within his respective jurisdiction. The number and distribution of PC's designated is entirely at the option of the head of the bureau.

(3) There is no restriction on designating a single individual as PMO and PC providing that the functions and responsibilities are compatible and are within the capabilities of a single person.

(b) Authorizing exceptions to the FPMR use and replacement standards for office machines, furniture, furnishings and typewriters specified in §§ 101–25.3 and 101–25.4.

(c) Authorizing exceptions to FPMR replacement standards for materials handling equipment specified in § 101–25.304.

(d) Authorizing the procurement of passenger motor vehicles with additional systems or equipment or the procurement of additional systems or equipment for passenger motor vehicles already owned or operated by the Government, in conformance with Federal Standards No. 122 and § 101–25.304.

(e) Authorizing the retention for official use by the bureau of abandoned or other unclaimed personal property and of personal property which is voluntarily abandoned or forfeited other than by court decree.

(f) Determining when personal property becomes excess and reporting the excess property to the General Services Administration (GSA).

(g) Assigning or transferring excess personal property within the bureau to other bureaus of the Department, other Federal agencies, the Legislative Branch to the Judicial Branch, to wholly-owned or mixed-ownership Government corpo-

rations, to cost-reimbursable type contractors, or to authorized grantees.

(h) Transferring property forfeited to the Government to other authorized recipients or requesting judicial transfer of such property from others to the bureau.

(i) Determining fair market value of abandoned and other unclaimed property retained for official use by the bureau, for deposit to a special fund for reimbursement of owners.

(j) Approving claims and reimbursing, less direct costs, former owners of abandoned or other unclaimed personal property which has been sold or retained for official use.

(k) Recommending non-Federal grantee excess property screeners to GSA as required in FPMR 101-43.320(h).

(l) When authorized by statutory authority, vesting title to Government-furnished personal property in contractors or grantees.

(m) Acquiring excess personal property from other bureaus and from other Federal agencies.

§ 128-1.5005-2 Redelegations of authority.

(a) The authorities delegated by the Assistant Attorney General for Administration to heads of bureaus may, in turn, be redelegated as necessary to enable personal property management functions to be performed at the organizational level best equipped to handle such functions, unless otherwise prohibited by this regulation.

(b) Such redelegations can be made without the specific approval of the Assistant Attorney General for Administration to deputies, principal administrative officers, heads of field offices and installations and their respective deputies. Such redelegations shall not conflict with the duties or responsibilities assigned to the PMO, or PC under the JPMR.

(c) Existing delegations of authority by the Assistant Attorney General for Administration in matters of personal property management which are not covered in this section shall continue in effect until modified or revoked.

(d) Redelegations of authorities made in accordance with this section shall be in writing and shall be made available for audits, surveys, or as otherwise appropriate.

§ 128-1.5006 General responsibilities.

§ 128-1.5006-1 Head of bureau.

The head of a bureau is responsible for establishing and administering a property management program within his respective operation which will provide for:

(a) The planning and scheduling of property requirements to assure that supplies, equipment, and space are readily available to satisfy program needs while minimizing operating costs and inventory levels.

(b) The creation and maintenance of complete, accurate inventory control and accountability record systems.

(c) The maximum utilization of available property for official purposes.

(d) The proper care and securing of property, to include storage, handling, preservation, and preventative maintenance.

(e) The identification of property excess to the needs of the bureau which must be made available to other Departmental activities and reported to GSA for transfer, donation, or disposal, as appropriate, under the provisions of the FPMR and JPMR.

(f) The submission of required property management reports.

(g) The conducting of periodic management reviews within the activity to assure compliance with prescribed policies, regulations, and procedures and to determine additional guidance or training needs.

(h) Advising all bureau employees of their responsibilities for Government property.

(i) Supporting general ledger control accounts for personal property by establishing subsidiary accounts and records as prescribed by the bureau in accordance with the provisions of DOJ Order 2110.1, Paragraph 4(b)(c).

§ 128-1.5006-2 Property management officer (PMO).

The property management officer of a bureau is responsible for coordinating and conducting the activities of the personal property management program and for performing the following functions:

(a) Providing the required leadership, guidance, and operating procedures for personal property management functions.

(b) Ensuring general ledger control accounts for personal property are supported by property records in accordance with DOJ Order 2110.1, Paragraph 6.103b(4).

(c) Ensuring bureau compliance with the personal property management requirements of the FPMR and JPMR.

(d) Designating items of controlled personal property within the bureau.

(e) Ensuring records of controlled personal property are created and maintained by personnel other than property custodians.

§ 128-1.5006-3 Department employees.

Each employee of the Department who has use of, supervises the use of, or has control over Government property is responsible for that property. This responsibility may take either or both of the following forms:

(a) Supervisory responsibility, in which an officer-in-charge, and administrative officer, or a supervisor is obligated to establish and enforce necessary administrative and security measures to ensure proper preservation and use of all Government property under his jurisdiction.

(b) Personal responsibility, in which each employee of the Department is obligated to properly care for, handle, use, and protect Government property issued to or assigned for the employee's use at or away from the office or station.

Effective date: This regulation is effective November 1, 1976.

Dated: September 23, 1976.

GLEN E. POMMERENING,
Assistant Attorney General for Administration.

[FR Doc.76-29206 Filed 10-18-76;8:45 am]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Sixth Rev. S.O. No. 1234]

PART 1033—CAR SERVICE

Distribution of Freight Cars

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 14th day of October 1976.

It appearing, that there is an acute shortage of freight cars for transporting shipments of fertilizer, phosphate (dried or ground, treated or untreated), fish meal, grain, grain products, soybeans, soybean products, [1] cottonseed hulls, [1] peanut hulls, or [1] soybean hulls; that certain tariff provisions require the use of cars of specified cubic or weight carrying capacities; that the carriers are unable to furnish sufficient such cars to transport shipments of such weights; that cars of lesser capacity are available; that such cars cannot be used because of certain tariff provisions; that there is immediate need to use every available car for transportation of fertilizer and grain; that the inability of the carriers to furnish sufficient fertilizer and grain cars results in great economic loss; and that present regulations and practices with respect to the use, supply, control, movement, and distribution of fertilizer and grain cars are ineffective. It is the opinion of the Commission that an emergency exists requiring immediate action to promote car service in the interest of the public and the commerce of the people. Accordingly, the Commission finds that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, That:

§ 1033.1234 Sixth revised service order No. 1234.

(a) *Distribution of freight cars.* Subject to the concurrence of the shipper, carriers may substitute a sufficient number of smaller cars for larger cars ordered to transport shipments of fertilizer, phosphate (dried or ground, treated or untreated), fish meal, grain, grain products, soybeans, soybean products, [1] cottonseed hulls, [1] peanut hulls or [1] soybean hulls regardless of tariff requirements specifying minimum cubic or weight carrying capacity. (See paragraph (b) and (c) of this section.)

[1] Cottonseed hulls, peanut hulls and soybean hulls added.

(b) *Exception.* This order shall not apply to shipments subject to tariff provisions requiring the use of twenty-five or more cars per shipment.

(c) *Exception.* This order shall not apply to shipments subject to tariff provisions which require that cars be furnished by the shipper.

(d) *Rates and minimum weights applicable.* The rates to be applied and the minimum weights applicable to shipments for which cars smaller than those ordered have been furnished and loaded as authorized by Section (a) of this order shall be the rates and minimum weights applicable to the larger cars ordered.

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

Car of (----) cu. ft. and of (----) lbs. or greater capacity ordered. Smaller cars furnished authority Sixth Revised ICC Service Order No. 1234.

(f) *Concurrence of shipper required.* Smaller cars shall not be furnished in lieu of cars of greater capacity without the consent of the shipper.

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

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

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

(j) *Effective date.* This order shall become effective at 12:01 a.m., October 15, 1976.

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

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

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

By the Commission, Railroad Service Board, members Joel E. Burns, Lewis R. Teeple, and Thomas J. Byrne.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-30671 Filed 10-18-76;8:45 am]

[Rev. S. O. No. 994–A]

PART 1034—ROUTING OF TRAFFIC

Rerouting of Traffic—Appointment of Agents

At a session of the Interstate Commerce Commission, Division 3, held in Washington, D.C., on the 7th day of October 1976.

Upon further consideration of Revised Service Order No. 994 (35 FR 7017; 36 FR 23726; 37 FR 28301; 38 FR 35002; 39 FR 44011 and 40 FR 59744), and good cause appearing therefor:

It is ordered, That: § 1034.994 *Revised Service Order No. 994–A* (Rerouting of traffic—appointment of agents) be, and it is hereby, vacated and set aside.

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

It is further ordered, That this order shall become effective at 11:59 p.m. October 15, 1976; that copies of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with Director, Office of the Federal Register.

By the Commission, Division 3, Commissioners Brown, MacFarland and Clapp.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-30670 Filed 10-18-76;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER 1—UNITED STATES FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

SUBCHAPTER B—TAKING, POSSESSION, TRANSPORTATION, SALE, PURCHASE, BARTER, EXPORTATION, AND IMPORTATION OF WILDLIFE

PART 17—ENDANGERED AND THREATENED WILDLIFE AND PLANTS

Determination of 26 Species of Primates as Endangered or Threatened Species

The Director, United States Fish and Wildlife Service (hereinafter, the Director and the Service, respectively), hereby issues a rulemaking which determines the following 12 species of primates to be Endangered species as defined by the Endangered Species Act of 1973 (16 U.S.C. 1531–1543; 87 Stat. 884; hereinafter the Act): Cotton-top marmoset, *Saguinus oedipus* (including *S. geoffroyi* as a subspecies); Pied tamarin, *Saguinus bicolor;* Yellow-tailed woolly monkey, *Lagothrix flavicauda;* Diana monkey, *Cercopithecus diana* (including *C. roloway* and *C. dryas* as subspecies); Red-eared nose-spotted monkey, *Cercopithecus erythrotis;* Red-bellied monkey, *Cercopithecus erythrogaster;* L'hoest's monkey, *Cercopithecus lhoesti* (including *C. preussi* as a subspecies); White-collared mangabey, *Cercocebus torquatus* (including *C. atys* and *C. lunatus* as subspecies); Black colobus monkey, *Colobus satanas;* Mandrill, *Papio sphinx;* Drill, *Papio leucophaeus;* and Francois' leaf monkey, *Presbytis francoisi.*

The Service also determines that the following 14 species of primates are Threatened species as defined by the Act: Lesser slow loris, *Nycticebus pygmaeus;* Philippine tarsier, *Tarsius syrichta;* White-footed tamarin, *Saguinus leucopus;* Black howler monkey, *Alouatta pigra;* Gelada Baboon, *Theropithecus gelada;* Stumptail macaque, *Macaca arctoides* (including *M. thibetana* as a subspecies); Formosa rock macaque, *Macaca cyclopis;* Toque macaque, *Macaca sinica;* Japanese macaque, *Macaca fuscata;* Long-tailed langur, *Presbytis potenzani;* Purple-faced langur, *Presbytis senex;* Tonkin snub-nosed monkey, *Rhinopithecus avunculus;* Pigmy chimpanzee, *Pan paniscus;* and Chimpanzee, *Pan troglodytes.*

BACKGROUND

Recognizing that many primate species are being subject to the increasing pressures of habitat disruption and utilization in biomedical research and the pet trade, the Service in 1973 contracted (through its Division of Cooperative Research) for a thorough survey of the current status of each recognized species. This survey has now been completed in draft form, and the data it contains forms the basis for the present rulemaking.

In the FEDERAL REGISTER of April 19, 1976 (41 FR 16466–16469), the Service proposed to list the 26 primates as mentioned above. The Service also proposed to list the Squirrel Monkey (*Saimiri sciureus*) as a Threatened species. So much information on the Squirrel Monkey was received in response to the proposal, that further evaluation will be required and no final determination on this species is being issued at this time.

SUMMARY OF COMMENTS

In response to the proposed rulemaking of April 19, 1976, 225 persons expressed general approval, two opposed the entire proposal, and one favored only certain sections. Some persons commented only on particular species, with a breakdown as follows: Chimpanzee—70 in favor of listing, 2 opposed; Japanese Macaque—2 opposed; Stumptail Macaque—1 opposed; Cotton-top Mar-

moset—1 opposed; Squirrel Monkey—2 in favor, 23 opposed.

Comparatively few of the respondents provided substantive data that would warrant consideration of a change in the proposed rulemaking. In the case of the Squirrel Monkey, however, extensive data were received from the Committee on Conservation of Nonhuman Primates of the Institute of Laboratory Animal Resources, Division of Biological Sciences—Assembly of Life Sciences, National Research Council. The Committee held that the data indicated that the species did not qualify for listing pursuant to the Act. Information indicating that the Squirrel Monkey may not be threatened also was received from personnel of the National Science Foundation, Department of Health, Education, and Welfare, Naval Aerospace Medical Research Laboratory, Office of the Surgeon General of the Army, American Psychological Association, University of Southern California's School of Medicine, Michigan State University's Department of Zoology, Harvard Medical School, and several other organizations. All of this information will have to be evaluated, and further investigations made, before a final decision on listing the Squirrel Monkey.

The American Association of Zoological Parks and Aquariums, and several other organizations and persons, stated that the chief causes of the decline in the proposed species were habitat loss and hunting, rather than importation for zoological exhibition, and that the proposal might actually interfere with propagational efforts, while not alleviating the real problems. In this regard, however, it should be emphasized that zoos or other institutions may obtain permits to import Endangered or Threatened species for propagational purposes, and may obtain permits to import Threatened species for zoological exhibition alone.

Several parties pointed out that importation of primates for the pet trade, which was given in the proposal of April 19, 1976, as a reason for the decline of some species, had been banned by the Department of Health, Education, and Welfare. The regulations to this effect were published in the FEDERAL REGISTER of August 11, 1975 (40 FR 33659).

In accordance with section 4(b) of the Endangered Species Act of 1973, the Service requested the State Department to notify all foreign governments, with which the United States maintains diplomatic relations, of the proposal. Seven official responses were received. Bolivia expressed general approval, but was opposed to listing the Squirrel Monkey. Iran expressed concern about possible restrictions on captive propagation. Japan noted that there was divided opinion in the country regarding the status of the Japanese Macaque. Mexico and South Africa indicated that they had no comments on the proposal. New Zealand and the Netherlands expressed general approval of the U.S. concern for the protection of primates. In addition, the Netherlands pointed out certain mistakes in the names of some of the species proposed. These errors have been corrected herein.

DESCRIPTION OF THE RULEMAKING

Section 4(a) of the Endangered Species Act of 1973 states that the Secretary of the Interior may determine a species to be an Endangered species, or a Threatened species, because of any five factors. These factors are: (1) The present or threatened destruction, modification, or curtailment of its habitat or range; (2) overutilization for commercial, sporting, scientific, or educational purposes; (3) disease or predation; (4) the inadequacy of existing regulatory mechanisms; (5) other natural or manmade factors affecting its continued existence. The primates proposed above for listing as either Endangered or Threatened species relate to these factors as follows (numbers refer to factors above):

Cotton-top marmoset. (1) This species is restricted in range, being found only in Panama and northern Colombia. Extensive deforestation and conversion to cultivated fields or pasture is threatening their survival in both Panama and Colombia. (2) Cotton-top marmosets were imported into the United States for the pet trade at a rate of over 2000 per year; as many as 30,000–40,000 have been exported from the eastern Colombian population alone since 1960. Between 1968 and 1972, 13,749 cotton-tops were imported into the United States.(4) In 1971, Colombian export permits showed that only 86 cotton-top marmosets were legally exported from that country, yet thousands were imported into the United States; U.S. import forms report cotton-top marmoset imports originating from Brazil, Peru and Paraguay where they do not occur. This may indicate possible falsification of documents.

Pied tamarin. (1) The Pied tamarin is found only in northern Brazil where its range is now fragmented, reduced, and precariously small. It has been reported that this species "has a miniscule range in the midst of steady human pressure." (4) There are not existing regulatory mechanisms for the protection of this species.

Yellow-tailed woolly monkey. (1) This species is found only in the Andes of northern Peru. Until 1974 only five specimens were known, but in 1974 an expedition collected five additional animals proving that the species is not extinct. Authorities report that in its very restricted range, "considerable habitat destruction is occurring."

Diana monkey. (1) Diana monkeys are restricted in range and are extremely dependent on tall trees and primary forest for survival. In most parts of Africa, such tall trees and primary forests are being cleared for agricultural purposes. Destruction of the forest in the Ivory Coast poses a major threat to the survival of the species there. The species has been extirpated in the eastern part of Ghana which is densely populated and heavily exploited for timber and agriculture. (4) Diana monkeys are hunted for food in Liberia; its striking coloration makes it more likely to be sought for zoological display than more dull colored species. A total of 46 individuals were recorded as being imported into the U.S. between 1968 and 1970; there are no existing regulatory mechanisms.

Red-eared nose-spotted monkey. (1) This monkey has a discontinuous and extremely restricted range where it is rather limited to moist closed forest habitat. Where such habitat is destroyed and replaced by agriculture or other developments, it cannot survive. This type of deforestation is occurring at a high rate in Cameroon, especially in the coastal areas, and probably also in Nigeria. (4) This species is hunted for meat in Cameroon and also, perhaps extensively, in Nigeria. They are occasionally caught for export to U.S. zoos; there are no existing regulatory mechanisms.

Red-bellied monkey. (1) This species has an extremely restricted range in western Nigeria where it is found only in moist evergreen and semideciduous forests. It has also been reported to occupy coastal forest. Because of the extensive hunting and deforestation occurring in Nigeria, the red-bellied monkey is probably extinct or on the verge of extinction. (4) There are no existing regulatory mechanisms.

L'hoest's monkey. (1) This species has a disjunct range—one population occurring in the upper eastern Congo basin and the other in western Cameroon and eastern Nigeria. Within this range, the species is dependent upon forest habitat and would be expected to decline in areas of deforestation. In the western population, this is particularly serious because of its restricted area of distribution. The forest near Mt. Cameroon is presently being logged and the habitat has become drastically reduced. (4) In Cameroon, hunting and trapping for food are decimating the population, and there are no existing regulatory mechanisms.

White-collared mangabey. (1) This monkey is found from Senegal to Ghana and from Nigeria to Gabon with a 500 mile gap separating these populations. In this range it inhabits mangrove, coastal, gallery and inland swamp forests, with proximity to water apparently being essential for its survival. Logging is the principal reason for its decline in Cameroon and Equatorial Africa. In the western part of its range, large scale logging is also occurring, especially in the Ivory Coast. In Equatorial Africa it is estimated that only 33 percent of this monkey's habitat is still intact. In Sierra Leone, less than 4 percent of the habitat remains. (4) Populations of this species have been decimated in Equatorial Guinea and Cameroon by hunting and trapping for food, and there are no existing regulatory mechanisms.

Black colobus. (1) This is a rain forest monkey most typical of high, dense, primary forests away from human habitations; tall trees for sitting and resting are vital to their needs. Since this species is not ecologically tolerant, logging and other human activities throughout

its range are decimating populations. (4) This species is hunted for food in Cameroon and Equatorial Guinea; it has been hunted nearly to extinction in the Douala-Edea Reserve, and it is estimated that 1,000–1,500 individuals are killed annually for food in Equatorial Guinea; there are no existing regulatory mechanisms.

Mandrill. (1) This species is very restricted in range and is found in rain forests and coastal forests. These forests are being logged for timber, cleared for plantations and shifting agriculture, and cut for logging access roads. In Cameroon, the coastal forests are being destroyed extremely rapidly because of their accessibility for logging and their fertile soil. In Equatorial Guinea, the range of the mandrill had already been significantly reduced by deforestation by 1967 and has undoubtedly been further reduced since then. (4) In both Cameroon and Equatorial Guinea, mandrills are widely hunted for food; they are captured in traps, and shot with poison arrows. It is the favorite meat of 20 percent of the Fang people in Equatorial Guinea and Cameroon. Mandrills are in demand for zoo exhibits because of their spectacular appearance. It is reported that 87 were exported from Equatorial Guinea in 1967 and sold to animal dealers who sent them to zoos and to "investigation centers." Between 1968 and 1972, a total of 61 mandrills were recorded as entering the United States. In the past three years, mandrills were reported to come from Tanzania where the species does not occur.

Drill. (1) This species is now confined to an extremely restricted area in western Cameroon and eastern Nigeria where it is found in lowland rain forest, coastal and riverine forest and secondary forest. Because drills are dependent upon forest, deforestation, which is occurring at a rapid rate in Cameroon, is one of the principal causes of their decline. Overall, the range of the drill has already been reduced to one-half its original size in Cameroon due to deforestation; deforestation has probably also decreased drill habitat in Nigeria. (4) Hunting for food exerts a serious pressure on drill populations. Drills are often hunted with dogs who chase them into trees where they are shot in large groups of twenty or more. The long prereproductive period makes this species especially vulnerable to decimation by hunting since their population recruitment rate is quite low, and thus removed individuals are replaced slowly. There are no regulatory mechanisms for the protection of this species.

Francois' leaf monkey. (1) The small range of this species lies within an area which has undergone extensive habitat disruption due to military operations. Populations may still exist in southern China or in parts of Laos or Vietnam, but no evidence is available. (4) There are no regulatory mechanisms to protect this species.

Lesser slow loris. (1) The restricted habitat of this species has been subjected to extensive disruption due to military operations. (4) There are no protective regulatory mechanisms.

Philippine tarsier. (1) This species is restricted to the southern islands of the Philippines, including Mindanao, Bohol, Leyte and Samar. It is Threatened because of its small range and because its habitat is being depleted by the destruction of forest. (4) There are no protective regulatory mechanisms.

White-footed tamarin. (1) This species is restricted in range to a small area in northern Colombia. Its habitat has been greatly reduced due to clearing of forests especially during the past 20 years.

It has been reported that in one area of forest under rapid destruction, tamarin habitat was reduced by one third its original extent during six weeks of clearing. The tamarins are thus restricted to isolated pockets of forest left on patches of land unsuitable for cultivation or pasture. (4) There are no protective regulatory mechanisms for this species.

Black howler monkey. (1) This monkey is threatened because habitat disruption (logging, clearing) has been favorable to the mantled howler monkey (*Alouatta palliata*) which has moved in and colonized areas previously inhabited by black howler monkey. Apparently logging and clearing of land has caused the mantled howler monkey to replace the black howler monkey in many areas and now threatens the survival of the latter species.

Stumptail macaque. (1) Deforestation by logging and agriculturalization and recent military activity (bombing, defoliants) has caused a deteriorating environment for this species. (2) Trapping and exportation of stumptail macaques for biomedical research, as well as changes in local traditions, are beginning to endanger the existence of this species. Between 1968 and 1972, 1,043 to 1,727 stumptail macaques were imported into the United States per year. (4) There are no regulatory mechanisms for the protection of this species.

Gelada baboon. (1) This species has a very limited distribution, being entirely restricted to northern Ethiopia. Within this range, local populations, especially in the southern part, are much reduced due to habitat restriction by intensive agriculture and settlement. Farming forces these baboons onto poorer quality land. Here grass density tends to be lower, resulting in decreases in population size. Habitat destruction is generally severe on the Amhara Plateau, and has resulted in heavy topsoil erosion everywhere. It is concluded that this pressure on the species is not presently great enough to cause drastic decreases in number, but if it is continued throughout the range of the species it may eventually have a marked effect on gelada populations. (4) The collection of geladas for scientific and other purposes is illegal in Ethiopia. However, collection and export does still occur, and between 1968 and 1972 a total of 1,231 geladas were imported into the United States, primarily from Kenya and Tanzania where the species does not occur. There are no effective regulatory mechanisms.

Formosan rock macaque. (1) This species has a restricted range in the mountains of Taiwan. Extensive agricultural and other development in the lowlands, as a result of a rapidly expanding human population, has apparently forced this species into the more remote mountainous regions, and has isolated some populations from others. (4) These monkeys are shot and trapped as a food item, and the skeletal system is used to prepare Chinese medicinal mixtures with aphrodisiacal attributes. Live macaques are kept as pets; the species is used extensively for research in Taiwan. There are no existing regulatory mechanisms.

Japanese macaque. (1) This macaque inhabits Skikoku, Kyushu and Honshu Islands, where it occurs in mixed broadleaf and conifer evergreen forest. Japanese forests have been heavily logged for many years and are now being rapidly cut all over Japan. The Japanese macaque is dependent upon the presence of some forest for its survival. In addition, the submontane forests of Japan are being clear cut and replanted with economically important Japanese cedar; Japanese macaques cannot survive in these single species forests. The present Japanese system of reserves is not effective in insuring the survival of this macaque because in fact, the lands are owned by various private groups and towns, and are exploited to provide the maximum economic gain for those owners, to the detriment of the monkey populations.

Toque macaque. (1) This monkey is restricted to the island of Ceylon where it occurs in "intermediate forest," in high rain forest, and, in reduced density, in arid forest patches surrounded by scrub. Logging is proceeding at a fast rate in Ceylon and is destroying much of the forest habitat of the toque monkey. In the lowland rain forest, huge areas have been put under cultivation or selectively logged. Very little virgin rain forest remains intact now and much of it has been replaced with rubber, coconut, rice, or tea plantations. The semideciduous forests have also been heavily logged, often by clear cutting. In some areas they have been replaced by single species, commercial forests or teak for example, which provides no food for the toque monkey. Where the forest has been cleared for vegetable gardens or rice paddies, the food supply for the monkeys may increase but the suitable habitat is decreased because the toque monkey does not utilize these open habitats which are completely devoid of trees and is reluctant to venture into open areas.

Long-tailed langur. (1) This langur is restricted in range to the Mentawi Islands where it is scarce and declining. Its preferred habitat is primary forests, which are being selectively cut on Siberut Island and is now affecting about 10 percent of the forest per year. The effect of this cutting will probably be detrimental, not only directly, but also indirectly by making remote areas of the forest accessible for settlers and hunters. (4) The long-tailed langur is hunted extensively

for food by the Mentawi Island people and this is the major cause of their decline. Since the human population on Sipora and the Pagai Islands are growing rapidly, hunting poses a severe threat to the survival of this species; there are no regulatory controls over this hunting.

Purple-faced langur. (1) This langur is restricted to the island of Ceylon where they are arboreal and specialists of the top canopy layer of high trees. Thus, they are especially vulnerable to cutting of forest. In addition, they are specialized feeders and the tall trees provide many of their preferred food items. Both the lowland evergreen rain forest and the semideciduous forests of Ceylon have undergone extensive logging and replacement with rubber, coconut, tea or teak plantations which are unsuitable for the purple-faced langur thus threatening the species' survival.

Tonkin snub-nosed monkey. (1) This species is extremely restricted in range, being confined to North Vietnam where it is a rain forest occupant. There rain forests have been extensively disrupted due to military activities.

Pigmy chimpanzee. (1) This species is found only in central and western Zaire where destruction of forests and spread of agriculture are major threats. Little is known about its population densities but it is considered rare in most areas. (4) Although legally protected in Zaire, pigmy chimpanzees are heavily hunted by man for food; regulatory mechanisms are not effective.

Chimpanzee. (1) Commercial logging and clearing of forests for agriculture have destroyed vast stretches of suitable habitat for this species. Use of arboricides also threaten some populations. (2) Chimpanzees are captured and exported for use in research labs and zoos; the U.S. is the chief importer of chimpanzees. (3) Chimpanzees can contract from man many fatal diseases such as malaria, hepatitis and tuberculosis. With human population rapidly growing, loss of chimpanzees from human diseases could become a serious threat to the species. (4) Although chimpanzees are protected by law in some countries, such laws have proven difficult to enforce. Large scale exportation continues and habitat destruction is unchecked by legal restraint.

Effect of the Rulemaking

Except as provided for in section 9(b) of the Act, this rulemaking will make it illegal for any person subject to the jurisdiction of the United States to import, export, ship in interstate commerce in the course of a commercial activity, or sell or offer for sale in interstate or foreign commerce any of the proposed Endangered species. There will, however, be no restrictions on interstate movement of these species if such movement is not in the course of a commercial activity involving a change in ownership of the specimen. In this context, the term "commercial activity" is defined in section 3(1) of the Act as follows:

> The term "commercial activity" means all activities of industry and trade, including but not limited to, the buying or selling of commodities and activities conducted for the purpose of facilitating such buying and selling.

The terms "industry or trade," as used in the above definition, were defined in the September 26, 1975, Federal Register (40 FR 44416) as follows:

> "Industry or trade" in the definition of "commercial activity" in the Act means the actual or intended transfer of wildlife or plants from one person to another person in the pursuit of gain or profit.

For any species herein listed as a Threatened species, the same prohibitions apply as to an Endangered species. An exception, however, is made in the case of live animals held in captivity in the United States on the effective date of this rulemaking, or to the progeny of such animals, or to the progeny of animals legally imported into the U.S. after the effective date of this rulemaking. None of the prohibitions outlined above apply to such animals.

Regulations published in the Federal Register (40 FR 44412) of September 26, 1975, provide for the issuance of permits to carry out otherwise prohibited activities involving Endangered or Threatened species under certain circumstances. In the case of Endangered species, such permits are available for scientific purposes or to enhance the propagation or survival of the species. In some instances, permits may be issued during a specified time to relieve undue economic hardship which would be suffered if such relief were not available. In the case of Threatened species permits may be issued for scientific purposes, enhancement of propagation or survival, economic hardship, zoological exhibition, educational purposes, or special purposes consistent with the purposes of the Act.

The Service will review these species to determine whether they should be proposed to the Secretariat of the Convention on International Trade in Endangered Species of Wild Fauna and Flora for placement upon the appropriate appendices to that Convention, or whether they should be considered under other appropriate international agreements.

(Endangered Species Act of 1973 (16 U.S.C. 1531-1543; 87 Stat. 884).)

The amendment will become effective on November 18, 1976.

Dated: October 12, 1976.

Lynn A. Greenwalt,
Director, Fish and Wildlife Service.

Accordingly, Part 17, Subparts B and D, Title 50 of the Code of Federal Regulations, is amended as set forth below:

1. Section 17.11 is amended by adding the following primates:

§ 17.11 Endangered and threatened wildlife.

* * * * *

Species			Range				
Common name	Scientific name	Population	Known distribution	Portion of range where threatened or endangered	Status	When listed	Special rules
Cotton-top marmoset	*Saguinus oedipus*	NA	Panama, Costa Rica, Colombia	Entire	E		NA
Pied tamarin	*Saguinus bicolor*	NA	Northern Brazil	do	E		NA
Yellow-tailed woolly monkey	*Lagothrix flavicauda*	NA	Andes of northern Peru	do	E		NA
Diana monkey	*Cercopithecus diana*	NA	Coastal West Africa	do	E		NA
Red-eared nose-spotted monkey	*Cercopithecus erythrotis*	NA	Nigeria, Fernando Po	do	E		NA
Red-bellied monkey	*Cercopithecus erythrogaster*	NA	Western Nigeria	do	E		NA
L'hoest's monkey	*Cercopithecus lhoesti*	NA	Upper eastern Congo Basin, Cameroon, Nigeria.	do	E		NA
White-collared mangabey	*Cercocebus torquatus*	NA	Senegal to Ghana; Nigeria to Gabon	do	E		NA
Black colobus	*Colobus satanas*	NA	Cameroon, Equatorial Guinea, Gabon, Congo (Brazzaville).	do	E		NA
Mandrill	*Papio sphinx*	NA	Central West Africa	do	E		NA
Drill	*Papio leucophaeus*	NA	Western Cameroon, eastern Nigeria	do	E		NA
Francois' leaf monkey	*Presbytis francoisi*	NA	Kwangsi (People's Republic of China), Indochina.	do	E		NA
Lesser slow loris	*Nycticebus pygmaeus*	NA	Philippines (Mindanao, Bohol, Leyte, Samar Islands).	do	T		17.40(c)
Philippine tarsier	*Tarsius syrichta*	NA	Philippines	do	T		17.40(c)
White-footed tamarin	*Saguinus leucopus*	NA	Northern Colombia	do	T		17.40(c)
Black howler monkey	*Alouatta pigra*	NA	Mexico, Guatamala, Belize	do	T		17.40(c)
Stumptail macaque	*Macaca arctoides*	NA	Assam (India), to southern China and Malay Peninsula.	do	T		17.40(c)
Gelada	*Theropithecus gelada*	NA	Northern Ethiopia	do	T		17.40(c)
Formosan rock macaque	*Macaca cyclopis*	NA	Taiwan	do	T		17.40(c)
Japanese macaque	*Macaca fuscata*	NA	Japan (Shikoku, Kyushu and Honshu Islands).	do	T		17.40(c)
Toque macaque	*Macaca sinica*	NA	Sri Lanka (Ceylon)	do	T		17.40(c)
Long-tailed langur	*Presbytis potenziani*	NA	Mentawi Islands, Indonesia	do	T		17.40(c)
Purple-faced langur	*Presbytis senex*	NA	Sri Lanka (Ceylon)	do	T		17.40(c)
Tonkin snub-nosed monkey	*Rhinopithecus avunculus*	NA	North Vietnam	do	T		17.40(c)
Pigmy chimpanzee	*Pan paniscus*	NA	Zaire	do	T		17.40(c)
Chimpanzee	*Pan troglodytes*	NA	Western and central Africa	do	T		17.40(c)

2. Section 17.40 is amended by adding the following paragraph (c):

§ 17.40 Special rules—Mammals.

* * * * *

(c) *Primates.* (1) Except as noted in paragraph (c) (2) below, all provisions of § 17.31 shall apply to the Lesser slow loris, *Nycticebus pygmaeus;* Philippine tarsier, *Tarsius syrichta;* White-footed tamarin, *Saguinus leucopus;* Black howler monkey, *Alouatta pigra;* Stumptail macaque, *Macaca arctoides;* Gelada, *Theropithecus gelada;* Formosan rock macaque, *Macaca cyclopis;* Japanese macaque, *Macaca fuscata;* Toque macaque, *Macaca sinica;* Long-tailed langur, *Presbytis potenzani;* Purple-faced langur, *Presbytis senex;* Tonkin snub-nosed monkey, *Rhinopithecus avunculus;* Pigmy chimpanzee, *Pan paniscus;* and Chimpanzee, *Pan troglodytes.*

(2) The prohibitions referred to above do not apply to any live member of such species held in captivity in the United States on the effective date of the final rulemaking, or to the progeny of such animals, or to the progeny of animals legally imported into the United States after the effective date of the final rulemaking, *Provided,* That the person wishing to engage in any activity which would otherwise be prohibited must be able to show satisfactory documentary or other evidence as to the captive status of the particular member of the species on the effective date of this rulemaking or that the particular member of the species was born in captivity in the United States after the effective date of this rulemaking. Identification of the particular member to a record in the International Species Inventory System (ISIS), or to a Federal, State or local government permit, shall be deemed to be satisfactory evidence. Records in the form of studbooks or inventories, kept in the normal course of business, shall be acceptable as evidence, provided that a notarized statement is inserted in such record to the effect that:

(i) The records were kept in the normal course of business prior to November 18, 1976, and accurately identify (by use of markers, tags, or other acceptable marking devices) individual animals; or

(ii) That the individual animal identified by the records was born in captivity on _____.
(Date)

The notarized statement in paragraph (c) (2) (i), above, shall be acceptable only if the notarization is dated on or before January 3, 1977. The notarized statement in (c) (2) (ii), above, shall be acceptable only if the notarization is dated within 15 days of the date of birth of the animal.

[FR Doc.76-30595 Filed 10-18-76;8:45 am]

Title 7—Agriculture

SUBTITLE A—OFFICE OF THE SECRETARY OF AGRICULTURE

PART 2—DELEGATIONS OF AUTHORITY BY THE SECRETARY OF AGRICULTURE AND GENERAL OFFICERS OF THE DEPARTMENT

Subpart C—Delegations of Authority to the Under Secretary, Assistant Secretaries and Director of Agricultural Economics

ACQUISITION EXECUTIVE FOR USDA

Part 2, Subtitle A, Title 7, Code of Federal Regulations, is amended to appoint the Assistant Secretary for Administration the USDA Acquisition Executive as defined in OMB Circular No. A-109.

Section 2.25(b) is amended to delegate to the Assistant Secretary for Administration responsibility as Acquisition Executive for USDA, as follows:

§ 2.25 Delegations of authority to the Assistant Secretary for Administration.

* * * * *

(b) Related to management and finance.

* * * * *

(17) Act as Acquisition Executive in USDA as defined in OMB Circular No. A-109: Major System Acquisitions. In this capacity he wil assure that OMB Circular No. A-109 is effectively implemented in USDA and ensure that the management objectives of the circular are realized. Also, he will have authority to:

(i) designate the program manager for each major system acquisition, and

(ii) designate any departmental acquisition as a major system acquisition under A-109.

Since this amendment involves a delegation of responsibility with regard to internal operating procedure it is not believed that public comment would afford the Department any additional information. Accordingly, pursuant to 5 U.S.C. 553, good cause is found that notice and public procedure is unnecessary, and good cause is found to make the amendment effective less than 30 days after publication.

Effective date: These amendments shall become effective October 19, 1976.

Dated: October 14, 1976.

JOHN A. KNEBEL,
Acting Secretary of Agriculture.

[FR Doc.76-30546 Filed 10-18-76;8:45 am]

PART 6—IMPORT QUOTAS AND FEES

Subpart—Section 22 Import Quotas

PRICE DETERMINATION FOR CERTAIN CHEESE

The subpart, section 22 Import Quotas, is amended to change the price, determined by the Secretary of Agriculture in accordance with headnote 3(a) (v) of Part 3 of the Appendix to the Tariff Schedules of the United States, which is used as a basis for establishing import restrictions under section 22 on certain cheese. The change from $.98 to $1.00 per pound is required since one of the factors used in determining such price (the Commodity Credit Corporation purchase price for Cheddar cheese under the milk price support program) has been increased.

The subpart, section 22 Import Quotas, of Part 6, Subtitle A of Title 7, is amended as follows:

1. Section 6.16, under the heading "Price Determination for Certain Quotas", is amended to read as follows:

§ 6.16 Price determination.

The price referred to in items 950.10B through 950.10E of Part 3 of the Appendix to the Tariff Schedules, determined by the Secretary of Agriculture in accordance with headnote 3(a) (v) of said Part 3, is $1.00 per pound. This price shall continue in effect until changed by amendment of this section.

2. Group V of Appendix 1, under the heading "Licensing Regulations", is amended by changing the description appearing immediately below "Group V" to read as follows:

Cheese described below, if shipped otherwise than in pursuance to a purchase, or if having a purchase price 6 under $1.00 per pound.

The foregoing amendment shall be effective October 19, 1976. In accordance with headnote (a) (v) of Part 3 of the Appendix to the Tariff Schedules of the United States, the change in price effected by this amendment would not make the import restrictions contained in items 950.10B through 950.10E of Part 3 of the Appendix to the Tariff Schedules of the United States applicable to cheese having a purchase price of 98 or more cents per pound if such cheese had been exported to the United States on a through bill of lading or had been placed in bonded warehouse on or before October 19, 1976. Since the action taken herewith involves foreign affairs functions of the United States, this amendment falls within the foreign affairs exception to the notice and effective date provisions of 5 U.S.C. 553.

(Sec. 3, 62 Stat. 1248, as amended (7 U.S.C. 624) Part 3 of the Appendix to the Tariff Schedules of the United States (19 U.S.C. 1202).

Issued at Washington, D.C., this 14th day of October 1976.

JOHN A. KNEBEL,
Acting Secretary.

[FR Doc.76-30634 Filed 10-18-76;8:45 am]

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

PART 354—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

Overtime Work at Border Ports, Seaports, and Airports

• *Purpose.* The purpose of this document is to amend 7 CFR 354.1 relating to charges for overtime work at border ports, seaports, and airports in accordance with Executive Order 11941. •

Agricultural quarantine inspectors of the U.S. Department of Agriculture are charged with performing inspection duties relating to imports and exports at border ports, seaports, and airports. Such services may be performed outside the regular tour of duty of the inspector when requested by a person, firm, or corporation and the charge for such overtime is recoverable from those requesting the services. The following document amends § 354.1, Overtime Work at Border Ports, Seaports, and Airports, by increasing the hourly rates for such services performed on a Sunday or holiday, or at any other time outside the regular tour of duty. These increases are commensurate with salary increases provided Federal employees in accordance with the Federal Pay Comparability Act of 1970 (Pub. L. 91-656), and Executive Order 11941 dated October 1, 1976.

Pursuant to the authority conferred by the Act of August 28, 1950 (64 Stat. 561; 7 U.S.C. 2260), § 354.1 of Part 354, Title 7, Code of Federal Regulations, the first sentence of § 354.1(a) is revised as set forth below:

§ 354.1 Overtime work at border ports, seaports, and airports.

(a) Any person, firm, or corporation having ownership, custody, or control of plants, plant products, animals, animal products, or other commodities or articles subject to inspection, laboratory testing, certification, or quarantine under this chapter and Subchapter D of Chapter I, Title 9 CFR, who requires the services of an employee of the Plant Protection and Quarantine Programs, on a Sunday or holiday, or at any other time outside the regular tour of duty of such employee, shall sufficiently in advance of the period of Sunday or holiday or overtime service request the Plant Protection and Quarantine Programs inspector in charge to furnish inspection, laboratory testing, certification, or quarantine service during such overtime, or Sunday or holiday period, and shall pay the Government therefor at the rate of $21.32 per man-hour per employee on a Sunday and at the rate of $14.60 per man-hour per employee for holiday or any other period; except that for any services performed on a Sunday or holiday, or at any time after 5 p.m. or before 8 a.m. on a weekday, in connection with the arrival in or departure from the United States of a private aircraft or vessel, the total amount payable shall not exceed $25 for all inspectional services performed by the Customs Service, Immigration and Naturalization Service, Public Health Service, and the Department of Agriculture. • • •

• • • • • •

(64 Stat. 561 (7 U.S.C. 2260)).

Effective date. The foregoing amendment shall become effective October 10, 1976.

Determination of the hourly rate for overtime services and of the commuted traveltime allowances depends entirely upon facts within the knowledge of the Department of Agriculture. It is to the benefit of the public that this amendment be made effective at the earliest practicable date. Accordingly, pursuant to the administrative provisions of 5 U.S.C. 553, it is found upon good cause that notice and public procedure on this amendment are impracticable, unnecessary, and contrary to the public interest and good cause is found for making this amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 13th day of October 1976.

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

[FR Doc.76-30408 Filed 10-18-76;8:45 am]

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

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 722—COTTON

Subpart—1977 Crop of Upland Cotton; Base Acreage Allotments and National Production Goal

Sections 722.463 to 722.465 are issued pursuant to the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et seq.) (referred to as the "Act"), with respect to the 1977 crop of upland cotton (referred to as "cotton"). The purpose of these provisions is to (1) proclaim a national production goal; (2) establish a national base acreage allotment; and (3) apportion the national base acreage allotment to States. Section 722.466 is issued pursuant to the Agricultural Act of 1949, as amended (7 U.S.C. 1421 et seq.). This section establishes the cropland set-aside percentage as zero. The latest available statistics of the Federal Government have been used in making determinations under these provisions.

A notice that the Secretary was preparing to make determinations with respect to these provisions was published in the FEDERAL REGISTER on July 30, 1976 (41 FR 31848) in accordance with 5 U.S.C. 553. The views and recommendations received in response to such notice have been duly considered.

Cotton producers need to know the major provisions of the 1977 upland cotton program as soon as possible in order to effectively plan their 1977 farming operations. Accordingly, it is hereby found and determined that compliance with the 30 day effective date requirement of 5 U.S.C. 553 is impracticable and contrary to the public interest. Therefore, §§ 722.463 to 722.466 shall become effective October 15, 1976. The material previously appearing in these sections as "Subpart—1976 Crop of Upland Cotton; Base Acreage Allotments and National Production Goal" remains in full force and effect as to the crop to which it was applicable.

Sections 722.463 through 722.466 and the title to the subpart are amended to read as follows:

Subpart—1977 Crop of Upland Cotton; Base Acreage Allotments and National Production Goal

Sec.

722.463 National production goal for the 1977 crop of cotton.

722.464 National base acreage allotment for the 1977 crop of cotton.

722.465 Apportionment of national base acreage allotment to the States.

722.466 Cropland set-aside percentage.

AUTHORITY: Secs. 301, 342a, 350; 52 Stat. 38, as amended, 84 Stat. 1358, as amended; sec. 103(e), 84 Stat. 1375, as amended (7 U.S.C. 1301, 1342a, 1350, 1421; 1444(e)).

Subpart—1977 Crop of Upland Cotton; Base Acreage Allotments and National Production Goal

§ 722.463 National production goal for the 1977 crop of cotton.

The national production goal for the 1977 crop of cotton is hereby proclaimed to be in the amount of 13,048,000 standard bales of cotton determined in accordance with the formula prescribed under section 342a of the Act, based on the following data:

	Net weight bales 480 lbs.
(1) Estimated domestic consumption, 1977-78 marketing year	6,500,000
(2) Estimated exports, 1977-78 marketing year	4,500,000
(3) Allowance for market expansion (5 percent of sum of (1) and (2))	550,000
(4) Adjustment to assure adequate stocks	1,498,000
Total	13,048,000
(5) 50 percent of the average offtake for the preceding 3 marketing years (1974, 1975, and estimated 1976)	5,178,000

§ 722.464 National base acreage allotment for the 1977 crop of cotton.

The national base acreage allotment for the 1977 crop of cotton shall be 11,000,000 acres determined in accordance with section 350(a) of the Act.

§ 722.465 Apportionment of national base acreage allotment to the States.

The national base acreage allotment of 11,000,000 acres is apportioned to the States in accordance with section 350(b) of the Act as follows:

States	State allotment (acres)
Alabama	638,600
Arizona	228,904
Arkansas	920,790
California	510,448
Florida	19,793
Georgia	556,554
Illinois	1,889
Kansas	8
Kentucky	4,668
Louisiana	384,166
Mississippi	1,053,229
Missouri	248,042
Nevada	2,419
New Mexico	118,659
North Carolina	293,982
Oklahoma	512,068
South Carolina	447,929
Tennessee	364,772
Texas	4,682,748
Virginia	10,332

§ 722.466 Cropland set-aside percentage.

There will be no set-aside requirement in effect for the 1977 crop of cotton under section 103(e)(4)(A) of the Agricultural Act of 1949, as amended.

NOTE.—It is hereby certified that the economic and inflationary impacts of this proposed regulation have been carefully evaluated in accordance with Executive Order 11821.

Effective date: These amendments become effective on October 15, 1976.

Signed at Washington, D.C., on October 14, 1976.

JOHN A. KNEBEL,
Acting Secretary.

[FR Doc.76-30750 Filed 10-15-76;2:57 pm]

PART 722—COTTON

Subpart—1977 Crop of Extra Long Staple Cotton; Acreage Allotments and Marketing Quotas

The provisions of §§ 722.558 to 722.561 are issued pursuant to the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et seq.) (referred to as the "Act") with respect to the 1977 crop of extra long staple cotton (referred to as "ELS cotton"). The purpose of these provisions is to (1) proclaim a national marketing quota and national acreage allotment for the 1977 crop of ELS cotton; (2) apportion the national acreage allotment to States; and (3) establish the period for holding the national marketing quota referendum. The latest available statistics of the Federal Government have been used in making determinations under these provisions.

A notice that the Secretary was preparing to make determinations with respect to these provisions was published in the FEDERAL REGISTER on July 30, 1976 (41 FR 31847), in accordance with 5 U.S.C. 553. The views and recommendations received in response to such notice have been duly considered.

It is essential that these provisions be made effective as soon as possible since the proclamation of the quota and the national allotment is required to be made not later than October 15, 1976. Accordingly, it is hereby found and determined that compliance with the 30-day effective date requirement of 5 U.S.C. 553 is impracticable and contrary to the public interest. Therefore, §§ 722.558 to 722.561 shall become effective October 15, 1976. The material previously appearing in these sections as "Subpart-1976 Crop of Extra Long Staple Cotton; Acreage Allotments and Marketing Quotas" remains in full force and effect as to the crop to which it was applicable.

Sections 722.558 through 722.561 and the title to the subpart are amended to read as follows:

Subpart—1977 Crop of Extra Long Staple Cotton; Acreage Allotments and Marketing Quotas

Sec.

722.558 National marketing quota for the 1977 crop of ELS cotton.
722.559 National acreage allotment for the 1977 crop of ELS cotton.
722.560 Apportionment of national acreage allotment to the States.
722.561 National marketing quota referendum for the 1977 crop of ELS cotton.

AUTHORITY: Secs. 301, 343, 344, 347, 375, 52 Stat. 38, as amended; 63 Stat. 670, as amended; 63 Stat. 675, as amended; 52 Stat. 66, as amended (7 U.S.C. 1301, 1343, 1344, 1347, 1375)

Subpart—1977 Crop of Extra Long Staple Cotton; Acreage Allotments and Marketing Quotas

§ 722.558 National marketing quota for the 1977 crop of ELS cotton.

The marketing quota for the 1977 crop of ELS cotton is hereby proclaimed to be an amount of 113,000 standard bales determined in accordance with section 347(b) of the Act. The quota is based on the following data:

(1) Estimated domestic consumption, 1977-78	75,000
(2) Estimated exports, 1977-78	+5,000
(3) Adjustment to assure adequate stocks	+53,000
(4) Estimated imports, 1977-78	−20,000
Total	113,000

§ 722.559 National acreage allotment for the 1977 crop of ELS cotton.

It is hereby determined and proclaimed that a national acreage allotment shall be in effect for the crop of ELS cotton produced in the calendar year 1977. The amount of such national allotment is 120,000 acres calculated by multiplying the national quota in bales by 480 pounds (net weight of a standard bale) and dividing the result by the national average yield of 452 pounds per planted acre of ELS cotton for the four calendar years 1972, 1973, 1974 and 1975.

§ 722.560 Apportionment of national acreage allotment to the States.

The national acreage allotment of 120,000 acres is apportioned to the States in accordance with section 344(b) of the Act as follows:

State	State allotment (acres)
Arizona	51,928
California	716
Florida	151
Georgia	157
New Mexico	24,438
Texas	42,610
U.S. Total	120,000

§ 722.561 National marketing quota referendum for the 1977 crop of ELS cotton.

The national marketing quota referendum for the 1977 crop of ELS cotton shall be held during the referendum period December 6 to 10, 1976, inclusively, by mail ballot in accordance with Part 717 of this chapter (33 FR 18345, 34 FR 12940, 36 FR 12730, 38 FR 12891).

Effective date: These amendments become effective on October 15, 1976.

Signed at Washington, D.C., on October 14, 1976.

JOHN A. KNEBEL,
Acting Secretary.

[FR Doc.76-30749 Filed 10-15-76;2:57 pm]

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

PART 932—OLIVES GROWN IN CALIFORNIA

Exemption From Minimum Standards for Certain Packaged Olives for Test Purposes

This action permits handlers to handle under specified conditions packaged canned whole and pitted ripe olives exempt from the size requirements currently specified in the marketing order. It enables olive handlers to determine production capabilities for blending different sizes of olives and test trade and consumer acceptance of olives sized in ranges different from those currently available. This exemption is necessary to authorize such tests.

This action is authorized under § 932.55 (b) of the marketing agreement, as amended, and Order No. 932, as amended (7 CFR Part 932), regulating the handling of olives grown in California. The marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

Sections 932.52(a) (2) and (3) of the order provide, in part, that no handler shall use processed whole or pitted ripe olives in the production of packaged olives or ship such packaged olives unless they conform to "single size" designations or the blended sizes "Family," "King," or "Royal" as set forth in the current U.S. Standards for Grades of Canned Ripe Olives (§§ 52.3751-52.3766 of this title). Required olive sizes are currently expressed in terms of average count per pound, with specified tolerances. However, § 932.55 permits the Secretary to relieve from order requirements handling of olives for specified purposes subject to such rules, regulations, and safeguards as are deemed necessary to insure that exempted olives are handled only as authorized.

Any handler who wishes to handle packaged ripe olives under this exemption is required to apply to the Olive Administrative Committee for approval to handle olives under the exemption, advise the committee of the sizes he intends to test (in terms of minimum diameter, count per pound, or any other size determination acceptable to the

committee), the test market area, and the number of cases to be packed. In addition, he must file periodic reports of shipments and submit his analysis of the test results and conclusions to the committee not later than August 31, 1977. Any shipments of olives under this exemption must occur during the 1976–77 fiscal year, which ends August 31, 1977.

A notice of proposed rulemaking to revise the United States Standards for Grades of Canned Ripe Olives was published in the FEDERAL REGISTER (41 FR 41052) on September 17, 1976. Section 52.3754 of that proposal included size designations (in terms of minimum diameter and count per pound) for whole and pitted style ripe olives. Also, the Olive Administrative Committee at a meeting August 12, 1976, recommended an exemption to permit handlers to test the following sizes (expressed in terms of count per pound): Small, 106–140; Medium, 89–105; Large, 61–88; Extra Large, 41–60; and Colossal, 40 or less. This exemption will enable handlers to test the sizes set forth in the proposed standards revision, those recommended by the committee, and others provided that the conditions pertaining to the exemption are met.

It is found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and that good cause exists for not postponing the effective date of this action until 30 days after publication thereof and that the effective date should be October 26, 1976, in that:

(1) The purpose of this exemption is to permit conducting of tests of optional sizes and the processing and packing of the current crop of olives is now underway, therefore the industry should be allowed to start the tests as soon as practicable; and

(2) handler participation in this test is on a voluntary basis.

Therefore, Subpart—Rules and Regulations (7 CFR 932.108–932.161) is amended by adding a new § 932.156, as follows:

§ 932.156 Exemption from size requirements.

(a) *Application to be filed.* Any handler may file an application with the Olive Administrative Committee to use processed whole or pitted ripe olives in the production of packaged olives and ship such packaged olives exempt from the requirements of § 932.52(a)(2) and (3) regarding "single size" and blended sizes. The application shall contain at least the following:

(1) A description of the sizes of olives to be tested, the prospective test market area and the quantity for which the exemption is requested;

(2) an agreement whereby the handler agrees to (i) submit reports of shipments of olives handled under this section at such times and in such manner as requested by the committee; (ii) ship all olives handled pursuant to the exemption prior to August 31, 1977; and (iii) submit his analysis of the test to the Olive Administrative Committee not later than August 31, 1977.

(b) *Approval by the committee.* The committee shall notify any handler whose application has been approved as soon as is practicable after approval.

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

Dated, October 14, 1976, to become effective October 26, 1976.

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

[FR Doc.76-30630 Filed 10-8-76;8:45 am]

[Amdt. 1]

PART 958—ONIONS GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO, AND MALHEUR COUNTY, OREGON

Handling Regulation

This amendment of the handling regulation expands the special purpose shipments to include onions for pickling and for extraction of oil and subjects them to the safeguard requirements.

Findings. (a) It is hereby found that this amendment to the handling regulation will tend to effectuate the declared policy of the act. This program is issued under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.). The amendment is based upon recommendations and information submitted by the Idaho-Eastern Oregon Onion Committee, established under Marketing Agreement No. 130 and Order No. 958, both as amended (7 CFR Part 958; 41 FR 36195) regulating the handling of onions grown in certain designated counties in Idaho and Malheur County, Oregon.

The committee anticipates substantial export orders for field run onions for the extraction of onion oil or juice. The committee also anticipates some orders for similar onions to be pickled. For these reasons the committee recommends adding shipments for extraction and pickling to the special purpose shipments paragraph of the regulation, which exempts these shipments from the grade, size, maturity, pack and inspection requirements. In order to assure that these shipments not be diverted to fresh market, paragraph (d) is amended to bring these shipments under the safeguard requirements.

(b) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice or engage in public rulemaking procedure and that good cause exists for not postponing the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) to ensure maximum benefits to producers, this amendment should apply to as many shipments as possible during the shipping season, (2) compliance with this subpart will require no special preparation on the part of handlers, and (3) this amendment relieves restrictions.

The amendment is as follows:

Section 958.321 Handling regulation is amended by adding new subparagraphs (7) and (8) to the end of paragraph (c) and revising the introductory sentence of paragraph (d) as follows:

§ 958.321 Handling regulation.

* * * * *

(c) *Special purpose shipments.* * * *; (7) extraction; and (8) pickling.

(d) *Safeguards.* Each handler making shipments of onions for dehydration, canning, freezing, extraction or pickling pursuant to paragraph (c) of this section shall: * * *

* * * * *

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

Dated October 14, 1976, to become effective October 14, 1976.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division.

[FR Doc.76-30631 Filed 10-18-76;8:45 am]

CHAPTER XIV—COMMODITY CREDIT CORPORATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

(CCC Grain Price Support Regulations, 1976 Crop Wheat Supplement)

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

1976 Crop Wheat Loan and Purchase Program, Correction

In FR Doc. 76-24792 appearing at page 35702 in the FEDERAL REGISTER of August 24, 1976, paragraph (a) of § 1421.488 appearing on page 35706 is amended to show Red River County, Texas, following Real County and just before Reeves County with a loan rate of $1.58.

Effective date: October 19, 1976.

Signed at Washington, D.C., on October 4, 1976.

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

[FR Doc.76-30544 Filed 10-18-76;8:45 am]

CHAPTER XVII—RURAL ELECTRIFICATION ADMINISTRATION

PART 1701—PUBLIC INFORMATION

Appendix A—REA Bulletins; REA Loan Accounts System

Notice is hereby given that, pursuant to the Rural Electrification Act, as amended, (7 U.S.C. 901, et. seq.), REA has issued a revised REA Bulletin 20–9:320–12, "Notes, Interest Computation, Payments and Loan Account Statements." This revised bulletin consolidates and supersedes the December 1969 edition of REA Bulletin 20–9:320–12, "Interest Computation, Loan Account Statements, and Application of Advance Payments"; the June 1957 edition of REA Bulletin 20–7:320–10, "Interest and Principal

Payments on REA Loans Under Sections 4 and 201 of the Rural Electrification Act"; the October 1964 edition of REA Bulletin 20–10:320–8, "Notes and Basis Date Agreements", and supplements thereto.

The purpose of this revision and consolidation is to provide REA borrowers with a current statement of REA's loan accounts system which incorporates the loan account and billing systems for REA, Rural Telephone Bank (RTB) and Federal Financing Bank (FFB) notes guaranteed by REA. Included in the revision is provision for a new 5 percent advance payment account for REA loans and an optional procedure for use by borrowers in making loan payments by bank wire transfers. Since the revised bulletin and changes specified will be beneficial to loan participants without imposing any additional burden on them, it is not considered necessary to invite public comment prior to its issuance. This revised bulletin will therefore be effective upon issuance. Any comments on this revised bulletin, however, may be submitted to the Director, Accounting and Auditing Division, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250, for appropriate consideration in any further revision. Copies of the revised REA Bulletin 20–9:320–12 are available from the office named above.

Dated: October 12, 1976.

DAVID A. HAMIL,
Administrator.

[FR Doc.76–30547 Filed 10–18–76;8:45 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

Geological Survey

[30 CFR Part 211]

COAL MINING OPERATING REGULATIONS

Adoption of Requirements of Montana's Reclamation Laws and Requirements: Rescheduling of Hearing

In FR Doc. 76-26439, appearing at page 39036 in the FEDERAL REGISTER of September 14, 1976, the Department of the Interior announced that a hearing would be held in Billings, Montana on October 21, 1976, on the proposed adoption of the requirements of Montana's reclamation laws and regulations as federal regulations. This notice postpones that hearing until November 18, 1976, at 9 a.m. at the Library Building, Eastern Montana University. As previously announced, the meeting will be open to the public and will be conducted by an Administrative Law Judge. Depending on the number of persons desiring to be heard, the Administrative Law Judge may limit the amount of time for each statement. Accordingly, those wishing to make an oral statement should plan to limit their remarks to 10 minutes. Additionally, each speaker's remarks should be reduced to writing and at least two copies filed with the Administrative Law Judge at the hearing. Individuals desiring to present extended remarks or written comments only for the record may do so through the filing of at least two copies.

Dated: October 14, 1976.

WILLIAM W. LYONS,
Deputy Under Secretary,
U.S. Department of the Interior.

[FR Doc.76-30623 Filed 10-18-76;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 982]

FILBERTS GROWN IN OREG. AND WASH.

Proposed Free and Restricted Percentages for the 1976-77 Marketing Policy Year

Notice is given of a proposal to establish free and restricted percentages of 65 percent and 35 percent, respectively, applicable to filberts grown in Oregon and Washington, for the marketing policy year beginning August 1, 1976. The percentages would be established under § 982.41 of the marketing agreement, as amended, and Order No. 982, as amended (7 CFR Part 982), regulating the handling of filberts grown in Oregon and Washington, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

Consideration will be given to any written data, views, or arguments pertaining to the proposal which are received by the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than November 19, 1976. All written submissions made pursuant to this notice should be in quadruplicate and will be made available for public inspection at the office of the Hearing Clerk during official hours of business (7 CFR 1.27(b)).

The proposed percentages are based upon the following estimates by the Filbert Control Board for the 1976-77 marketing policy year:

	Tons
Inshell Supply:	
(1) Total production	8,500
(2) Less substandard, etc	765
(3) Available supply	7,735
(4) Carryover August 1, 1976, of merchantable filberts subject to regulation	118
(5) Total available supply (Item 3 plus Item 4)	7,853
Inshell Requirements:	
(6) Trade demand	5,200
(7) Carryover July 31, 1977	800
(8) Total	6,000
(9) Less carryover August 1, 1976 not subject to regulation	894
(10) Inshell requirement	5,106
Percentages:	
(11) Free percentages (Item 10 divided by Item (5))	65
(12) Restricted percentage (100 percent minus 65 percent)	35

The free percentage prescribes that portion of the total merchantable supply which may be handled as inshell filberts. The restricted percentage prescribes that portion of the total merchantable supply which must be withheld from such handling. Restricted filberts may be shelled (for domestic or foreign consumption), exported, or disposed of in outlets determined by the Filbert Control Board to be noncompetitive with normal market outlets for inshell filberts.

It is proposed to add a new § 982.226 as follows:

§ 982.226 Free and restricted percentages for merchantable filberts during the 1976-77 marketing policy year.

The following percentages are established for merchantable filberts for the marketing policy year beginning August 1, 1976:

Free percentage	65
Restricted percentage	35

Dated: October 13, 1976.

CHARLES R. BRADER,
Deputy Director,
Fruit and Vegetable Division.

[FR Doc.76-30545 Filed 10-18-76;8:45 am]

[7 CFR Part 1046]

[Docket No. AO-123-A45]

MILK IN THE LOUISVILLE-LEXINGTON-EVANSVILLE MARKETING AREA

Decision on Proposed Amendments to Marketing Agreement and to Order

A public hearing was held upon proposed amendments to the marketing agreement and the order regulating the handling of milk in the Louisville-Lexington-Evansville marketing area. The hearing was held, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice (7 CFR Part 900), at Louisville, Kentucky, on November 13, 1975, pursuant to notice thereof issued on October 22, 1975 (40 F.R. 50050).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Administrator on July 22, 1976 (41 F.R. 31390) filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues, findings and conclusions, rulings, and general findings of the recommended decision are hereby approved and adopted and are set forth in full herein, subject to the following modifications:

1. Under "1. Class I price", paragraphs 5, 6, 7, 14, 16, 20, 21 and 22 are changed; and paragraph 8 is deleted.

2. Under "2. Location adjustments", paragraphs 12, 13, 14, 15, 16, 21, 23, 24, 25, 26, and 27 are changed; paragraph 20 is deleted; and four paragraphs are added immediately following paragraph 33.

The material issues on the record of the hearing relate to:

1. The level of Class I price.
2. Modification of the amount and procedure of applying location adjustments.
3. Point of pricing diverted milk.

FINDINGS AND CONCLUSIONS

The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Class I price.* The Class I differential (the amount added to the basic formula price in computing the class I price) should be increased from the present $1.49 to $1.70.

Dairymen, Inc. (DI) and the National Farmers' Organization (NFO) proposed Class I differentials of $1.75 and $1.80, respectively. They contended that a higher Class I differential is needed to achieve an appropriate alignment of the Louisville-Lexington-Evansville (Order

46) Class I price with the Class I prices in surrounding markets. They also claimed that the present Class I differential does not reflect accurately the cost of obtaining alternative supplies of milk from the Chicago milkshed.

Although proprietary handlers at the hearing generally favored increasing the Class I differential, the testimony they presented was not in support of the specific differentials ($1.75 and $1.80) proposed by DI and NFO. There was no opposition at the hearing to increasing the Class I differential.

Two proprietary handlers operating pool plants testified in support of the cooperatives' proposals for a higher Class I differential. They took the position that the Order 46 Class I differential is misaligned with the Class I differentials in other orders and should be increased to achieve an appropriate interorder alignment of Class I prices. One such handler supported a Class I differential of $1.70 as appropriate for achieving the desired interorder alignment of Class I prices. No specific amount as a Class I differential was proposed by the other pool plant operator.

The operator of a plant at Bristol, Virginia, which was fully regulated under the Appalachian order and is now regulated under the Tennessee Valley order, claimed that the present Order 46 Class I differential ($1.49) is unduly low in relation to the higher Class I differentials proposed ($1.84 and $2.15) at the July 1975 hearing for the Tennessee Valley order. This handler's primary concern in supporting an increase in the Order 46 Class I differential is an interorder Class I price relationship, which will permit him to compete on an equitable basis with Order 46 handlers in their common sales areas.

A handler now regulated under the Tennessee Valley order (who operated fully regulated plants under the Appalachian and Knoxville orders) proposed that the Order 46 Class I differential be increased to relate appropriately to the Class I differential under the Tennessee Valley order. He contended that to achieve an equitable relationship the Order 46 Class I differential should be not more than 35 cents below the Class I differential applicable at his plants under the Tennessee Valley order.

A Chattanooga handler, who is regulated under the Tennessee Valley order and whose sales area is within distribution range of handlers regulated under Order 46, urged that the Order 46 Class I differential be increased to the extent necessary to align it with the Tennessee Valley Class I differential, which is $2.10.

Although Order 46 handlers at the hearing emphasized that a price increase should be made only to the extent that corresponding Class I price increases were made in surrounding orders, their concern was centered on the Nashville order. A companion decision, issued concurrently with this decision, on proposals considered at a November 11, 1975, hearing in Nashville, would increase the Nashville Class I differential from $1.58 to $1.85.

The Class I price under an order must be established at a level which, in conjunction with other class prices, results in sufficient returns to producers to maintain an adequate but not excessive supply of quality milk to meet the fluid requirements, including the necessary market reserves. In the interest of continuing orderly marketing, the Class I price also, insofar as practicable, should be in reasonable alignment with the Class I prices in surrounding competing Federal order markets. It cannot, however, in the public interest, be established at a level that exceeds the cost of obtaining milk of acceptable quality and availability from alternative sources.

Substantial quantities of milk are distributed regularly in the Order 46 marketing area from plants, variously located, which are not pooled under Order 46. Of the 31 plants from which milk was distributed in the Order 46 marketing area in September 1975, only 15 were Order 46 pool plants. The 16 nonpool plants were fully regulated plants under other Federal orders (six under the Indiana order, three under each of the Nashville and Southern Illinois orders and one under each of the Ohio Valley, Paducah, Southern Michigan and St. Louis orders, respectively). In addition to competing for sales in the Order 46 marketing area with handlers whose milk is priced under other orders, Order 46 handlers also actively compete with such other order handlers for sales outside the Order 46 marketing area.

Clearly, with this broad area of overlapping sales, in which handlers regulated under eight Federal orders actively compete for fluid outlets, and with significant overlap of procurement area with certain markets (particularly Nashville), it would not be possible to long maintain orderly marketing unless there were a close interrelationship of handler milk costs and producer returns. The existing Class I pricing structure under Order 46 was established many years ago when there was a minimal overlap of procurement and Class I sales areas with other order markets. In the intervening period, price adjustments made in competing markets (particularly those made in Chicago and adjacent markets in 1968[1] when the Chicago order was reinstituted) were not made in Order 46. Under the circumstances, orderly marketing could not reasonably be expected if the present Order 46 price was the effective market price.

The effective prices in the Order 46 and surrounding Federal order markets have exceeded the order prices and the prevailing Class I price in the Order 46 market has in fact been in close relationship with prevailing Class I prices in adjacent markets. For this reason there has been no significant manifestation of market disorder. However, this is a very tenuous thread on which to place reliance to preserve continuing orderly marketing. Some price adjustment is mandated to provide assurance that, should existing institutional arrangements in the market change, the order would continue to implement the purposes of the Act.

In 1975 the Class I utilization of producer milk under Order 46 was 72 percent. This is in sharp contrast to the 1975 Class I utilization percentages under the orders merged into the Tennessee Valley order (Appalachian, Knoxville, and Chattanooga) and the Paducah and Memphis orders, which ranged from 81 to 84 percent. The adjacent market most similar to Order 46, in terms of utilization, was the Nashville market with a 63 percent utilization. While proponent cooperative contends that the Nashville and Louisville orders have historically carried reserve milk supplies to service both regulated and unregulated markets to the south, this cannot be the basis for maintaining a higher than necessary price level to insure adequate milk supplies for the regulated market.

The dominant cooperative represents the preponderance of producers in the markets in the region, except Memphis, and has followed the practice of reblending proceeds from the several markets. To what extent this has contributed to the ample milk supplies in the Order 46 market cannot be evaluated on the basis of this record. Nevertheless, it is clear that returns to producers have continued to attract increasing milk supplies beyond the immediate needs of the market. Because the order price has not been the effective price in recent years, it is not possible to conclude with certainty what precise level of Class I price would be appropriate to fully implement the purposes of the Act if the order price would become the effective price.

Since 1970 the Nashville order Class I price has been maintained at a level 9 cents above the Order 46 Class I price. However, the present indicated effective Class I price in the Nashville market, as reflected in the cooperatives' selling prices, is 27 cents more than in the Order 46 market.

The Chicago milkshed has been a major source of supplemental supplies for markets throughout much of the United States, including markets in this general region. To reflect the variable cost of moving milk from the Chicago milkshed to distant markets, Class I prices in Federal order markets are generally structured to increase in relation to the distance from the Chicago milkshed. Substantially, the gradation of prices from market to market from north to south reflects a differential approximating 1.5 cents per hundredweight of milk per 10 miles.

The Class I differential under the Chicago Regional order is $1.26. The amount computed at 1.5 cents per 10 miles for the 292 miles from Chicago to Louisville is 44 cents. Relating the $1.26 Chicago Regional order Class I differential to Louisville would thus suggest a Class I differential at Louisville of $1.70.

Cincinnati, which is 113 miles northeast of Louisville, is a principal city in the Ohio Valley marketing area. Milk

[1] Official notice is taken of the monthly and annual issues of the USDA publication "Federal Milk Order Statistics" from 1948 to date.

from farms in the same geographic areas is regularly supplied to regulated plants in Cincinnati and Louisville. Likewise, milk from Ohio Valley order pool plants in Cincinnati competes regularly for sales with distribution from Order 46 pool plants in Louisville. The distance from Chicago to Louisville (292 miles) and from Chicago to Cincinnati (287 miles) are essentially the same. Thus, the Class I differential of $1.70 at Cincinnati under the Ohio Valley order would appear appropriate for Order 46.

At the hearing the maintenance of an appropriate relationship between the Order 46 Class I price and the Class I price under the Tennessee Valley order was a major concern, particularly because the DI plant under construction at London, Kentucky, is scheduled to be in operation before the end of this year. London is located in southeastern Kentucky between the Tennessee Valley and Order 46 marketing areas. It is anticipated that this plant will obtain supplies from the production areas of both Order 46 and the Tennessee Valley order and that there will be substantial distribution from that plant in both the Order 46 and Tennessee Valley marketing areas.

Bristol, Chattanooga and Knoxville, the principal cities in the Tennessee Valley marketing area, are 585, 562 and 527 miles, respectively, from Chicago. These distances exceed the 292-mile distance from Chicago to Louisville by 293, 270 and 235 miles, respectively. The amounts computed for these additional distances at 1.5 cents per 10 miles are 44, 41 and 35 cents, respectively. The $2.10 Class I differential under the Tennessee Valley order applicable at Bristol, Chattanooga and Knoxville would require a Class I differential at Louisville from $1.66 ($2.10 minus 44 cents) to $1.75 ($2.10 minus 35 cents) to insure alignment.

In the interest of insuring continuing market stability throughout the region, some improvement in interorder price alignment is essential. To this end, it is concluded that the Class I price differential should be increased from the present $1.49 to $1.70. This will result in an Order 46 Class I price level equal to that under the Ohio Valley and Paducah orders, and 15 cents and 40 cents less than the Nashville and Tennessee Valley order prices, respectively. This alignment, it is concluded, will serve to implement the purpose of the Act under current marketing conditions. Because prevailing prices in the market have substantially exceeded minimum order prices, such price adjustment will not require, and should not result in, any increase in prices being charged handlers in the market.

2. *Location adjustments.* No location adjustments should be applicable to milk received at plants located: (1) In the marketing area, (2) In the State of Kentucky (except the 12 contiguous southeastern Kentucky counties of Bell, Breathitt, Clay, Harlan, Knott, Knox, Laurel, Leslie, Letcher, McCreary, Perry and Whitley), (3) In the State of Tennessee or (4) East of the Mississippi River and south of the southern boundary of Tennessee or the northern boundary of South Carolina. At plants within the 12 above named Kentucky counties, the Class I and uniform prices should be increased by a location adjustment of 15 cents. At any other plant location outside the territory described above and 85 miles or more from the nearest of the cities of Louisville, Lexington or Evansville, the Class I and uniform prices should be reduced 1.5 cents for each 10 miles distance or fraction thereof that such plant location is from the nearest of such basing points.

Order 46 now provides that the Class I and uniform prices applicable to milk received at a plant 85 miles or more from the nearest of Evansville, Indiana, or Louisville, Lexington, Danville, Elizabethtown or Madisonville, Kentucky, shall be reduced 15 cents plus an additional 1.5 cents for each 10 miles or fraction thereof that such distance exceeds 95 miles.

The Dairymen, Inc. (DI) proposal set forth in the hearing notice would have applied a location adjustment at plants 60 miles or more from the nearest of Louisville, Lexington or Evansville of 10 cents plus an additional 2 cents for each 10 miles distance or fraction thereof in excess of 70 miles. Such location adjustment would have reduced the Class I and uniform prices at plants north of the Ohio River or west of the Mississippi River and increased such prices at other locations.

At the hearing DI abandoned its hearing notice proposal in favor of a proposal that would adjust Class I and uniform prices at all plant locations outside a proposed "Zone I" consisting of a contiguous 40-county area of the 17 Indiana counties and 23 Kentucky counties, all in the marketing area. Such Zone I would contain 75 percent of the total marketing area population of 2.4 million.

Of the 17 pool plants under the order, 12 (10 distributing plants and two supply plants) are located within Zone I (six in Louisville, two in Evansville and one each in Holland, Indiana, and Madisonville, Owensboro and Taylorsville, Kentucky).

A proposed "Zone III" would include the five southeasternmost counties (Clinton, Cumberland, Pulaski, Russell and Wayne, Kentucky) in the marketing area and would carry a plus 20-cent location adjustment. The total population (75,000) of the five-county area, which is basically rural, is only 3 percent of the marketing area population. One pool distributing plant, in Somerset, is in this proposed zone.

A proposed "Zone II" would include the 21 contiguous counties in the marketing area located between Zones I and III and would carry a plus 10-cent location adjustment. Lexington is the major city in this area, which is also basically rural. Four pool distributing plants are located in this proposed zone, two in Lexington and one in each of Campbellsville and Russellville.

The modified DI proposal would also provide three location adjustment zones covering specified territories surrounding the marketing area. No location adjustment was proposed for a 29-county area (four southeastern Indiana counties, 12 southwestern and 13 north central Kentucky counties) adjacent to the proposed Zone I. A plus 10-cent location adjustment area would encompass a 28-county area (nine southwestern and 16 northeastern Kentucky counties and three north central Tennessee counties) adjacent to the proposed Zone II. Finally, in a nine-county area in Kentucky adjacent to the proposed Zone III of the marketing area, a plus 20-cent location adjustment would apply. No presently regulated pool plant is located in any of these three proposed pricing zones surrounding the marketing area.

At plants outside of the six proposed pricing zones and 60 miles or more from the nearest of Louisville, Lexington or Evansville, DI proposed a location adjustment of 10 cents plus an additional 2 cents for each 10 miles or fraction thereof in excess of 70 miles. The adjustment would reduce the Class I and uniform prices applicable to milk received at plants located north of the Ohio River or west of the Mississippi River. At other plant locations it would increase the Class I and uniform prices.

The National Farmers' Organization (NFO) proposed that no location adjustments apply at plants in the marketing area. For plants outside the marketing area, it proposed a location adjustment rate of 1.5 cents for each 10 miles from Louisville, Lexington or Evansville, whichever is nearest. It supported the DI position that location adjustments should reduce Class I and uniform prices at plants located north of the Ohio River or west of the Mississippi River and increase such prices at other locations.

The operator of a pool distributing plant in Louisville testified in support of DI's proposed zone pricing structure that would provide a plus 10-cent location adjustment for Lexington. Such plus location adjustment for Lexington based plants was opposed by one Lexington pool handler and by NFO, which is the principal supplier of producer milk for the two pool distributing plants in Lexington.

A principal concern at the hearing was the prices that would be applicable at London, Kentucky, where DI is now building a new processing plant with a projected capacity for handling 45 million pounds of milk a month. It is anticipated that the new plant will be in operation before the end of 1976. London is in Laurel county, which borders on both the Order 46 marketing area and the Tennessee Valley marketing area. Handlers regulated under Order 46 as well a certain other order handlers unquestionably will be competing for Class I sales with the London plant. The other order handlers were particularly concerned that the location pricing applicable under the order should result in an Order 46 f.o.b. Class I price at London that is appropriately aligned with the Federal order Class I price in their respective markets.

London, which is approximately 140 miles from Louisville, is approximately 160 miles from Bristol, 190 miles from Chattanooga and 100 miles from Knoxville, the principal cities in the Tennessee Valley marketing area. It is anticipated that milk from the London plant will be distributed over a wide area, primarily within the Tennessee Valley and the Order 46 marketing areas. Because of the London plant's location relative to these two marketing areas, it seems most prospective that the plant will be regulated under the Tennessee Valley order. Nevertheless, the possibility of regulation under Order 46 cannot be totally dismissed.

The operator of a Tennessee Valley order pool distributing plant in Bristol, Virginia, proposed a location adjustment that would provide an Order 46 Class I price at London the same as the Class I price applicable at Bristol under the Tennessee Valley order.

The operator of a Tennessee Valley pool distributing plant at Athens, Tennessee, proposed a location adjustment that would result in an Order 46 Class I price at London not more than six cents below the Class I price applicable at his plant under the Tennessee Valley order. The six-cent differential reflects the 42-mile greater distance (at 1.5 cents per 10 miles) from Knoxville to London than from Knoxville to Athens. Knoxville is a major city where distribution is made from the Athens plant and where it is likely that milk will be distributed from the London plant when it is completed.

The Tennessee Valley order, provides no location adjustment at plants within the marketing area. Thus, no location adjustment is applicable under that order at either the Bristol or Athens plant locations. However, a 15-cent location differential would be applicable at the London plant location.

To provide equal pricing under Order 46 for the London plant location would require a location adjustment that would raise the price 25 cents over the price hereinbefore concluded to be appropriate for the Order 46 market. In view of the London location with respect to other regulated plant locations, i.e., Lexington, Somerset, Campbellsville and Russellville in particular, such a pricing structure could be accomplished only through a system of designated areas similar to that offered by proponents. This would significantly alter the historical interplant pricing relationships which have existed between fully regulated plants under Order 46.

NFO and the operator of a pool plant in Lexington opposed the DI proposal that would result in a plus 10-cent location adjustment at Lexington. The two pool distributing plants in Lexington are supplied by NFO.

Lexington has been in the marketing area since March 1, 1960, when the marketing area of the then Louisville order was enlarged. Since that time the location pricing of milk at Lexington has been the same as at Louisville. No location adjustment, plus or minus, has been applicable under the order at either location.

Lexington is only 72 miles from Louisville and is 29 miles closer to Cincinnati than is Louisville. In view of the overlapping production and distribution of handlers in these areas, it is not possible on the basis of this record to justify a 10-cent higher Class I price at Lexington. Under the present order structure, all presently fully regulated plants are subject to the same pricing. There is no compelling evidence on this record to justify any change in interplant price relationships among those fully regulated plants now under the order.

The centralized plant operation now being constructed at London does add a new element for consideration. However, it cannot be concluded with any assurance from this record what market changes may result.

When the London plant is in operation, it is likely that distribution from that plant will result in the closing of at least two presently regulated plants, one under Order 46 and the other under the Tennessee Valley order. This is not likely to result in regulation of the plant under Order 46, however.

Should the London plant be regulated by the Tennessee Valley order, the Class I price, as provided under that order, would be subject to a location adjustment of minus 15 cents at London. Subtracting 15 cents from the $2.10 Class I differential under the Tennessee Valley order equates to a $1.95 Class I differential at London. This compares to a differential of $1.70 which has been hereinbefore determined applicable for the Order 46 market.

It is understandable that handlers are concerned over the possibility, even though remote, that the London plant might become regulated under Order 46. Without some remedial action the plant in such unlikely event would enjoy a 40-cent pricing advantage over competing Tennessee Valley handlers. Under the circumstances, it is concluded that to bridge the price differential between Tennessee Valley and Louisville-Lexington-Evansville an interim price zone should be established under Order 46. This should encompass only the 12 contiguous county area in southeastern Kentucky which includes nine counties (Bell, Breathitt, Harlan, Knott, Knox, Leslie, Letcher, Perry and Whitley) in the proposed Tennessee Valley marketing area and three counties (Clay, Laurel and McCreary) located between the Order 46 and Tennessee Valley marketing areas and not within the marketing area of any Federal order. London (in Laurel county) is centrally located in the 12-county area, which is much closer to the major population center (Knoxville) in the Tennessee Valley marketing area than to Louisville, the major center in the Order 46 marketing area. London is about 75 miles from Lexington. A 15-cent plus location differential for the 12-county area will insure reasonable continuing price alignment regardless of the order under which the London plant is regulated.

While a more precise interorder alignment at the London location might be desirable, this is not possible on this record. However, in the unlikely event that the London plant should become fully regulated under Order 46 consideration may need to be given to a restructuring of prices in this general area.

The plus 15-cent location adjustment should implement more orderly marketing in the region by achieving a reasonable relationship between the Class I prices under Order 46 and the Tennessee Valley order at plant locations within the 12-county area. Without the plus location adjustment of 15 cents adopted herein, the London plant (if regulated under Order 46) could be seriously disadvantaged in its procurement, particularly in view of the higher Class I price in the region under the Tennessee Valley order.

Except for the location adjustment adopted herein to apply in 12 southeastern Kentucky counties, no useful purpose would be served by the application of location pricing at plant locations south of the principal cities (Louisville, Lexington and Evansville) in the marketing area. This may most appropriately be provided in the order by specifying that no location adjustment shall apply at any plant: (1) In the marketing area, (2) In Kentucky (outside the designated 12 southeastern Kentucky counties), (3) In Tennessee and (4) East of the Mississippi River and south of the southern boundary of Tennessee or the northern boundary of South Carolina.

Class I prices in the Federal order markets that are east of the Mississippi River and to the south exceed the Class I price adopted herein. Milk markets to the south are generally in tight supply and handlers should not be encouraged to procure milk for this market from plants in the order markets south of the marketing area. To do so would encourage uneconomic milk movements. To provide adjustments that would reduce the order price at locations that are east of the Mississippi River and to the south could distort the interorder price alignment among competing plants, which is essential to continuing orderly marketing in the region.

Except for the plus 15-cent location adjustment adopted in this decision for southeastern Kentucky, the DI proposal to provide location adjustments would result in higher Class I and blend prices at plants within specified geographic areas (generally south and east of Louisville) must be denied. To provide such adjustments could only have the effect of limiting outside handlers access to the regulated market. While competitive prices at outside locations, in some situations, may exceed the Order 46 Class I price here provided it would not be appropriate to assess on outside handlers under the terms of the order a price higher than that assessed on handlers in the regulated market.

As proposed by DI and NFO, Louisville, Lexington and Evansville would be designated as basing points for applying location adjustments. Such adjustments would reduce the Class I and uniform prices for milk received at

plants 85 miles or more from such cities by 1.5 cents per hundredweight for each 10 miles from the nearest of the three cities. This adjustment, as indicated above, would not be applicable at plants that are directly south of the basing points.

The plants of major distributors in the marketing area are located in, or in close proximity to, Louisville, Lexington and Evansville. As the principal population centers in the marketing area, these cities are most appropriate basing points for computing location adjustments. Madisonville, Elizabethtown and Danville, which are directly south of Evansville, Louisville and Lexington, respectively, and which are now used as basing points (in addition to Louisville, Lexington and Evansville), would no longer be used. Since no minus location adjustments would be applicable at any plant south of Louisville, Lexington, or Evansville, no purpose would be served by retaining Madisonville, Elizabethtown and Danville as basing points.

Using the criteria of 85 miles or more from the nearest basing point for applying location adjustments is now provided in the order and is retained in this decision. No minus location adjustments are now applicable, and none would be applicable, at any regulated plant as a result of this decision. The 85-mile distance from the nearest basing point is a reasonable standard for applying location adjustments under conditions in this market. Although DI proposed applying location adjustments at plants 60 miles (instead of 85 miles) or more from the nearest basing point, no testimony was presented on the record to justify the change.

Exception was taken to the recommended decision's failure to provide a location adjustment in the marketing area comparable to that adopted for plant locations in 12 southeastern Kentucky counties. Exceptions filed by DI and a cooperative supplying a handler in Somerset, Kentucky, urged particularly that the plus 15-cent location adjustment that would be applicable at London in Laurel county (one of the 12 southeastern Kentucky counties) apply also at Somerset. Somerset in Pulaski county, which is in the marketing area, is approximately 40 miles east of London.

The record of this hearing contains very little information regarding the Somerset plant, which has been continuously pooled under Order 46 for a number of years. Apparently, Order 46 handlers are the principal competitors of the Somerset handler both in obtaining his producer milk supplies and in his route disposition. As indicated in this decision, no location adjustments are applicable currently at any Order 46 pool plant. Applying a plus 15-cent location adjustment at Somerset, as urged in the cooperatives' exceptions, could result in placing the Somerset handler at a disadvantage in competing for sales with other Order 46 handlers, all of whom have historically been subject to the same f.o.b. plant prices under the order as the Somerset handler.

The actual extent to which the Somerset handler's procurement and sales areas overlap with those of other Order 46 handlers is unclear. Likewise, the extent to which his procurement and sales areas overlap with those of handlers under other orders was not indicated on the record. Also, whether the Somerset plant will compete with the London plant (when it is in full operation) is uncertain.

Before considering whether a location adjustment should be applied at Somerset (or at any other location in the marketing area) substantially more information is needed than was presented on the record of this hearing. Accordingly, the exceptors request therefor is denied.

In urging the adoption of its proposed location adjustment rate of 2 cents per 10-mile distance, DI contended that the present 1.5-cent rate no longer reflects the cost of transporting milk from distant plants to the market. In support of its position, DI introduced data showing actual charges it had paid for hauling supplemental milk from Wisconsin and Minnesota during the fall months of 1974 and 1975. These hauling charges averaged 2.05 cents per hundredweight per 10 miles in 1974 and 2.2 cents in 1975.

NFO urged that the 1.5-cent rate be retained, contending it would be inappropriate to increase the 1.5-cent rate unless it is increased in all Federal orders at the same time.

It is neither appropriate nor necessary to establish higher prices in this market solely to reflect the currently higher transportation costs for moving milk. A realignment of prices to reflect such higher transportation cost can be accomplished only through a general hearing covering all Federal orders. At any such hearing, a matter that would have to be resolved is how this might be accomplished within the limits of the present variation in Class I prices from north to south. Further, if the total difference in prices north to south were to be increased, an important consideration at such hearing would center on how this might be accomplished under the standards of the Act and existing supply-demand relationships. Accordingly, the 2-cent per 10-mile location adjustment rate proposed by DI is denied.

3. *Point of pricing diverted milk.* Producer milk diverted from a pool plant to a nonpool plant should be priced at the location of the nonpool plant to which it is delivered. Milk diverted between pool plants at which different prices would apply under the order also should be priced at the location of the plant to which it is delivered. All such milk is now priced at the location of the pool plant from which diverted.

Dairymen, Inc. (DI) proposed pricing diverted milk at the location of the pool plant from which diverted when diverted to a nonpool plant within 125 miles of Louisville, Lexington or Evansville. Milk diverted to nonpool plants at other locations would be priced at the location of such nonpool plants. A spokesman for the National Farmers' Organization (NFO) stated that NFO favored adoption of the DI proposal.

The intent of the DI proposal was to avoid the application of a minus location adjustment (when none is applicable at the pool plant from which diverted) on milk diverted to a nonpool plant within 125 miles of Louisville, Lexington or Evansville. DI claimed that such a provision is needed in the order to facilitate the disposition of reserve supplies of producer milk.

The capacity available at nonpool plants within 125 miles of Louisville, Lexington or Evansville, to which milk is currently being diverted, has generally been adequate to handle the diverted milk for the market. If the location adjustment provisions adopted in this decision were applied at the location of any such plants, no location adjustment would result. In effect, the location adjustment pricing adopted herein achieves substantially the same pricing for diverted milk as proposed by DI.

When producer milk is received as diverted milk at a nonpool plant, its location value is the same as milk delivered by producers to a pool plant at the same location. Pricing milk at the location of the pool plant from which diverted tends to subsidize, at the expense of producers generally, the more distant producers whose milk is diverted to distant manufacturing plants rather than delivered to the market. This is because the distant producers, in that circumstance, receive the f.o.b. market uniform price on milk that is not moved to the market and on which the full cost for the farm to market hauling has not been incurred.

The order's location adjustments, including the modifications adopted in this decision, recognize the greater value of producer milk, particularly at plants in or near the principal population centers in the marketing area as compared to its value at other locations. In view of this, it would be inconsistent to price milk at the location of the pool plant from which diverted when actually delivered to a nonpool plant where a different price is appropriate, based on the location adjustment that would be applicable to a pool plant at the same location.

While the issue of point of pricing of milk diverted between pool plants was not a direct issue at the hearing, the matter is necessarily raised by proposals to establish zone prices. As has been previously stated, all existing pool plants, both under the existing order and under the order as herein modified, are subject to the same pricing so that the matter of point of pricing of diversions between pool plants may be moot. However, the decision to establish a plus 15-cent differential zone covering 12 southeastern Kentucky counties raises the possibility that there could be a differential in pricing between two pool plant locations. In such event, the use of diversions to move milk between the two locations could effectively circumscribe the intended effect of the pricing differential. Without appropriate safeguards a loophole would exist whereby a 15-cent higher return could be recovered from the pool for producer milk delivered (by

diversion) from a plant in the higher priced zone to a plant in the base zone for other than Class I use. Conversely, milk could be moved from the base zone to the higher priced zone (by diversion) for Class I use to evade the intended higher pool obligation. Neither of such movements could serve to implement orderly marketing. To deter such results, it must be prescribed that milk moved by diversion between pool plants at which different prices apply under the order shall be priced at the location of the plant at which it is physically received.

RULINGS ON PROPOSED FINDINGS AND CONCLUSIONS

Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

GENERAL FINDINGS

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the tentative marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

RULINGS ON EXCEPTIONS

In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

MARKETING AGREEMENT AND ORDER

Annexed hereto and made a part hereof are two documents, a MARKETING AGREEMENT regulating the handling of milk, and an ORDER amending the order regulating the handling of milk in the Louisville-Lexington-Evansville marketing area which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That this entire decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of the marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which is published with this decision.

DETERMINATION OF PRODUCER APPROVAL AND REPRESENTATIVE PERIOD

July 1976 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the order, as amended and as hereby proposed to be amended, regulating the handling of milk in the Louisville-Lexington-Evansville marketing area is approved or favored by producers, as defined under the terms of the order (as amended and as hereby proposed to be amended), who during such representative period were engaged in the production of milk for sale within the aforesaid marketing area.

The United States Department of Agriculture has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

Signed at Washington, D.C., on October 14, 1976.

RICHARD L. FELTNER,
Assistant Secretary.

Order[1] *amending the order, regulating the handling of milk in the Louisville-Lexington-Evansville marketing area*

FINDINGS AND DETERMINATIONS

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

(a) *Findings.* A public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Louisville-Lexington-Evansville marketing area. The hearing was held pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure (7 CFR Part 900).

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the Louisville-Lexington-Evansville marketing area shall be in conformity to and in compliance with the terms and conditions of the order, as amended, and as hereby amended, as follows:

The provisions of the proposed marketing agreement and order amending the order contained in the recommended decision issued by the Administrator on July 22, 1976, and published in the FEDERAL REGISTER on July 28, 1976 (41 FR 31390) shall be and are the terms and provisions of this order, amending the order, and are set forth in full herein.

1. In § 1046.13, paragraphs (b) and (c)(1) are revised as follows:

§ 1046.13 Producer milk.

* * * * *

(b) Diverted by a handler from a pool plant pursuant to § 1046.7(a) to another pool plant for any number of days of the month. Milk so diverted shall be deemed to have been received by the diverting handler:

(1) At the location of the pool plant from which diverted if no location adjustment or the same location adjustment is applicable at both the plant from which diverted and the plant to which diverted; and

(2) At the location of the pool plant to which diverted if the location adjustment applicable pursuant to § 1046.52 is different at the plant from which diverted than at the plant to which diverted.

(c) * * *

(1) Such milk shall be accounted for as received by the diverting handler at the location of the nonpool plant to which diverted;

* * * * *

2. In § 1046.50, paragraph (a) is revised as follows:

§ 1046.50 Class prices.

* * * * *

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $1.70.

* * * * *

3. In § 1046.52, paragraph (a) is revised as follows:

§ 1046.52 Plant location adjustments for handlers.

(a) For milk received from producers or from a handler described in § 1046.9 (c) at a plant 85 miles or more from the City Halls in Louisville and Lexington, Kentucky, and Evansville, Indiana, by the shortest hard-surfaced highway distance as determined by the market administrator and classified as Class I milk (subject to the limitations pursuant to paragraph (b) of this section), the Class I price shall be reduced by a location adjustment of 1.5 cents for each 10 miles or fraction thereof that such plant is from the City Hall in Louisville, Lexington or Evansville, whichever is nearest, except as follows:

(1) For such milk that is physically received at plants located in the Kentucky counties of Bell, Breathitt, Clay, Harlan, Knott, Knox, Laurel, Leslie, Letcher, McCreary, Perry and Whitley, the Class I price shall be increased by a location adjustment of 15 cents; and

(2) Except as provided in paragraph (a) (1) of this section, no location adjustment shall apply at a plant located:

(i) In the marketing area;

(ii) In the State of Kentucky;

(iii) In the State of Tennessee; or

(iv) East of the Mississippi River and south of the southern boundary of Tennessee or the northern boundary of South Carolina.

* * * * *

4. In § 1046.61, paragraph (b) is revised and a new paragraph (b–1) is added as follows:

§ 1046.61 Computation of uniform price (including weighted average price).

* * * * *

(b) Add an amount equal to the total value of the minus location adjustments computed pursuant to § 1046.75;

(b–1) Subtract an amount equal to the total value of the plus location adjustments applicable pursuant to § 1046.75;

* * * * *

5. Section 1046.75 is revised as follows:

§ 1046.75 Plant location adjustments for producrs and on nonpool milk.

(a) The uniform price for producer milk received at a plant shall be adjusted according to the location of the plant at the rates set forth in § 1046.52; and

(b) For purposes of computations pursuant to §§ 1046.71 and 1046.72 the weighted average price shall be adjusted at the rates set forth in § 1046.52 applicable at the location of the nonpool plant(s) from which the milk was received, except that the adjusted weighted average price shall not be less than the Class III price.

[FR Doc.76-30632 Filed 10-18-76;8:45 am]

[7 CFR Part 1098]

[Docket No. AO-184-A40]

MILK IN THE NASHVILLE, TENNESSEE, MARKETING AREA

Decision on Proposed Amendments to Marketing Agreement and to Order

A public hearing was held upon proposed amendments to the marketing agreement and the order regulating the handling of milk in the Nashville, Tennessee, marketing area. The hearing was held, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice (7 CFR Part 900), at Nashville, Tennessee, on November 11, 1975, pursuant to notice thereof issued on October 22, 1975 (40 F.R. 50098).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Administrator on July 23, 1976 (41 F.R. 31559) filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues, findings and conclusions, rulings, and general findings of the recommended decision are hereby approved and adopted and are set forth in full herein, subject to the following modifications:

1. Under "1. Class I price", paragraphs 2, 3, 4, 13, 15, 21, and 25 are changed, and paragraph 5 is deleted.

2. Under "2. Location adjustments", four paragraphs are added immediately following the last paragraph.

3. Under "3. Point of pricing diverted milk", paragraph 5 is revised.

The material issues on the record of the hearing relate to:

1. The level of Class I price.

2. Modification of the amount and procedure of applying location adjustments.

3. Point of pricing diverted milk.

Findings and Conclusions

The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Class I price.* The Class I differential (the amount added to the basic formula price in computing the Class I price) should be increased from the present $1.58 to $1.85.

Both Dairymen, Inc. (DI) and The National Farmers' Organization (NFO), together representing the preponderance of producers on the market, proposed a Class I differential of $2.05. They contended at the hearing and in their exceptions to the recommended decision that the higher Class I differential is needed to achieve an appropriate alignment of the Nashville order Class I price with the Class I prices in surrounding markets. They also claimed that the present Class I differential does not reflect properly the cost of obtaining alternative supplies of milk from the Chicago milkshed.

At the hearing and in his exceptions to the recommended decision, the operator of a plant at Bristol, Virginia, which was fully regulated under the Appalachian order and is now regulated under the Tennessee Valley order, claimed that the present Nashville Class I differential ($1.58) is unduly low in relation to the Class I differential under those proposed ($1.84 and $2.15) at the July 1975 hearing for the Tennessee Valley order. He held that the Nashville Class I differential, to reflect an appropriate interorder relationship, should be not more than 11 cents below the Class I differential under the Tennessee Valley order. The handler arrived at the 11-cent difference based on the approximate 70-mile greater distance (at 1.5 cents per 10 miles) from Bristol, than from Nashville, to the area in east Tennessee where his sales area and the sales area of Nashville order handlers overlap.

A Chattanooga handler, who is regulated under the Tennessee Valley order, claimed in his testimony and exceptions that the present Nashville Class I differential is too low, particularly as it relates to the Tennessee Valley Class I differential. The handler held that the Nashville Class I differential should be not more than 11 cents below the Tennessee Valley order Class I differential, which is $2.10. The 11-cent difference reflects the 74-mile greater distance (at 1.5 cents per 10 miles) from Chattanooga to Nashville than from Chattanooga to the handler's plant in Athens, Tennessee. A major portion of such handler's Class I disposition is in the metropolitan Chattanooga area.

A Nashville order handler in testimony at the hearing opposed any increase in the Nashville order Class I price unless corresponding Class I price increases were made in orders surrounding Nashville, particularly the Louisville-Lexington-Evansville (hereinafter referred to as Louisville) and Paducah orders. A companion decision, issued concurrently with this decision, on proposals considered at a November 13, 1975, hearing in Louisville, would increase the Louisville Class I differential from $1.49 to $1.70. The Paducah order Class I differential is not under active consideration.

Another Nashville handler, who neither supported nor opposed increasing the Class I price, took the position that if a revised Class I price should result from the hearing such price should be appropriately aligned with the Class I prices in surrounding order markets. He urged particularly careful alignment of the Nashville and Memphis order Class I prices. The Memphis Class I differential is $1.94.

A major handler under the Louisville order testified in support of increasing

the Nashville Class I price providing the Louisville order Class I price was also increased. A significant part of such handler's producer milk supply originates within an area from which both Louisville and Nashville handlers draw supplies. It was his position that to achieve an appropriate interorder price relationship the Nashville order Class I price should be set 20 cents above the Louisville Class I price.

The Class I price under an order should be established at a level which, in conjunction with other class prices, results in sufficient returns to producers to maintain an adequate but not excessive supply of quality milk to meet the fluid requirements, including the necessary market reserves. In the interest of continuing orderly marketing the Class I price also, insofar as practicable, should be in reasonable alignment with the Class I prices in surrounding competing Federal order markets. It cannot, however, in the public interest, be established at a level that exceeds the cost of obtaining milk of acceptable quality and availability from alternative sources.

Substantial quantities of milk are distributed regularly in the Nashville marketing area from plants, variously located, which are not pooled under the Nashville order. Of the 21 plants from which milk was distributed in the Nashville marketing area in October 1975, only nine were Nashville order pool plants. Ten of the 12 nonpool plants were fully regulated plants under other Federal orders (six under the Louisville order and one under each of the Chattanooga, Memphis, Paducah and St. Louis orders, respectively), and two operated as partially regulated distributing plants. In addition to competing for sales within the Nashville marketing area with handlers whose milk is priced under other orders, Nashville order handlers also actively compete with such other order handlers for sales in the adjacent area outside the marketing area.

Clearly, with this broad area of overlapping sales, in which handlers regulated under six Federal orders actively compete for fluid outlets, and with significant overlap of procurement area with certain markets (particularly Louisville), it would not be possible to long maintain orderly marketing unless there were a close interrelationship of handler milk costs and producer returns. The existing Class I pricing structure under the Nashville order was established many years ago when there was a minimal overlap of procurement and Class I sales areas with other order markets. In the intervening period some price adjustments (particularly those made in Chicago and adjacent markets in 1968[1] when the Chicago order was reinstituted) were not made in the Nashville order. It is obvious that orderly marketing could not persist if the present Nashville order price was the effective price under the existing competitive situation.

[1] Official notice is taken of the monthly and annual issues of the USDA publication "Federal Milk Order Statistics" from 1948 to date.

Because the prevailing Class I price in the Nashville market has in fact been in close relationship with prevailing Class I prices in adjacent markets, there has been no significant manifestation of market disorder. However, this is a very tenuous thread on which to place reliance to preserve continuing orderly marketing. Some price adjustment is mandated to provide assurance that, should existing institutional arrangements in the market change, the order continues to implement the purposes of the Act.

Over the years, the Class I utilization percentage for the Nashville order has drastically declined in sharp contrast to the orders merged into the Tennessee Valley order (Appalachian, Knoxville, and Chattanooga) and to the Paducah and Memphis orders. In 1975 the overall Class I utilization of producer milk under the Nashville order was only 63 percent. The most nearly similar adjacent market, in terms of utilization, was the Louisville market with a 72 percent utilization. While proponent cooperative contends that the Nashville and Louisville orders have historically carried reserve milk supplies to service unregulated markets to the south, this cannot be the basis for maintaining a higher than necessary price level to insure adequate milk supplies for the regulated market.

The dominant cooperative represents the preponderance of producers in the markets in the region, except Memphis, and has followed the practice of reblending proceeds to the several markets. To what extent this has contributed to the growth of milk supplies in the Nashville market cannot be evaluated on the basis of this record. Nevertheless, it is clear that returns to producers have continued to attract increasing milk supplies beyond the needs of the market. Because the order prices have not been the effective prices in recent years, it is not possible to conclude with certainty what precise level of Class I price would be appropriate to fully implement the purposes of the Act if the order price would become the effective price.

Since 1970 the Nashville order Class I price has been maintained at a level 9 cents above the Louisville order Class I price. However, the present indicated effective Class I price in the Nashville market, as reflected in the cooperatives' selling prices, is 27 cents more than in the Louisville market.

The differential of $2.05 proposed by DI and NFO would provide a price 25 and 30 cents, respectively, above the price that would result from their proposed differentials under the Louisville order. Handlers, on the other hand, held that appropriately the difference should be 20 cents.

The Chicago milkshed has been a major source of supplemental supplies for markets throughout much of the United States, including markets in this general region. To reflect the variable cost of moving milk from the Chicago milkshed to distant markets, Class I prices in Federal order markets are generally structured to increase in relation to the distance from the Chicago milkshed. Substantially, the gradation of prices from market to market from north to south reflects a differential approximating 1.5 cents per hundredweight of milk per 10 miles.

The 446 miles from Chicago to Nashville exceeds the 292 miles from Chicago to Louisville by 154 miles. The amount computed at 1.5 cents per 10 miles for the 154-mile distance is 23 cents. Relating the $1.70 Louisville Class I differential provided in a decision issued concurrently with this decision equates to a Nashville Class I differential of $1.93 ($1.70 plus 23 cents).

The 446 miles from Chicago to Nashville exceeds the 365 miles from Chicago to Paducah by 81 miles. The amount computed at 1.5 cents per 10 miles for the 81-mile distance is 12 cents. Relating the $1.70 Paducah Class I differential to Nashville equates to a Class I differential at Nashville of $1.82 ($1.70 plus 12 cents).

The 530 miles from Chicago to Memphis exceeds the 446 miles from Chicago to Nashville by 84 miles. The amount computed for the 84-mile distance at 1.5 cents per 10 miles is 13 cents. Relating the $1.94 Memphis Class I differential to Nashville equates to a Class I differential at Nashville of $1.81 ($1.94 minus 13 cents).

The 562 miles from Chicago to Chattanooga exceeds the 446 miles from Chicago to Nashville by 116 miles. The amount computed at 1.5 cents per 10 miles for the 116-mile distance is 17 cents. Relating the $2.10 proposed Class I differential under the Tennessee Valley order equates to a Nashville Class I differential of $1.93 ($2.10 minus 17 cents).

The 585-mile distance from Chicago to Bristol (a principal city in the Tennessee Valley marketing area) is 139 miles more than 446 miles from Chicago to Nashville. The amount computed at 1.5 cents per 10 miles for the 139-mile distance is 21 cents. Relating the $2.10 proposed Class I differential under the Tennessee Valley order equates to a Class I differential at Nashville of $1.89 ($2.10 minus 21 cents).

The 446 miles from Chicago to Nashville exceeds the 289 miles from Chicago to St. Louis by 157 miles. The amount computed at 1.5 cents per 10 miles for this mileage difference is 24 cents. Relating the $1.60 St. Louis Class I differential to Nashville equates to a Class I differential at Nashville of $1.84 ($1.60 plus 24 cents).

The Class I differential under the Chicago Regional order is $1.26. The amount computed at 1.5 cents per 10 miles for the 446 miles from Chicago to Nashville is 67 cents. Relating the $1.26 Chicago Regional order Class I differential to Nashville would result in a Class I differential of $1.93 for the Nashville market.

While price alignment on the basis of distance from alternative supply sources in the Chicago market reflects the general structure of prices in the Federal order system, such alignment does not always insure interorder price on an East-West axis alignment between competing markets. Furthermore, such alignment establishes the maximum level

of price which could be appropriate in any market. The public interest requires that the level established for any market shall not exceed that necessary to insure continuing orderly marketing and an adequate milk supply to meet the needs of the market.

In view of the existing fully adequate supply situation in the Nashville market, there is simply no basis for increasing the Class I price level to reflect the cost of transporting milk from the Chicago milkshed at the 1.5-cent rate. Nevertheless, in the interest of insuring continuing market stability throughout the region, some improvement in interorder price alignment is essential. To this end, it is concluded that the Class I price differential should be increased from the present $1.58 to $1.85. This will result in a differential of 15 cents between Louisville and Nashville, 15 cents between Paducah and Nashville, 9 cents between Nashville and Memphis and 25 cents between Nashville and Tennessee Valley. This alignment, it is concluded, will serve to implement the purpose of the Act under current marketing conditions. At the same time, in view of the fact prevailing prices in the market have substantially exceeded minimum order prices, the prices adjustment will not require, and should not result in, any increase in prices actually being paid by handlers in the market.

2. *Location adjustments.* The present location adjustment provisions should be modified to provide that no price adjustments will apply on milk received at plants located east of the Mississippi River and south of the southern boundary of Tennessee or the northern boundary of South Carolina.

The order now provides that the Class I and uniform prices applicable to milk received at a plant located outside the state of Tennessee and 50 miles or more from Nashville shall be reduced 10 cents plus 1.5 cents for each 10 miles or fraction thereof that such plant location exceeds 70 miles distance from Nashville.

The Dairymen, Inc. (DI) proposal contained in the hearing notice would have reduced Class I and uniform prices at plants 50 miles or more from the nearest of Nashville, Pulaski or McMinnville, Tennessee, by 10 cents plus 2 cents for each 10 miles distance in excess of 60 miles. Pulaski (population 7,000[3]) is 75 miles south of Nashville and McMinnville (population of 10,600) is 73 miles southeast of Nashville.

At the hearing DI abandoned its hearing notice proposal and offered in lieu thereof a proposal that would provide a location price adjustment (either an increase or decrease) to the Class I and uniform prices at each plant location outside a contiguous area of eight Tennessee counties (Bedford, Coffee, Giles, Lawrence, Marshall, Warren, Wayne and White) on the southern tier of the marketing area. As proposed, the eight-county area would be designated as Zone I, which would encompass two pool distributing plants, one located at Pulaski and the other at McMinnville.

Proposed Zone II would include an additional 24 Tennessee counties, all in the marketing area, in which a minus 10-cent location adjustment would apply. Davidson county, in which Nashville is located, is within this 24-county area. With a population of 448,000 (of a total marketing area population of 1.3 million, which is predominantly rural) Davidson county contains the principal population concentration of the marketing area. Four of the nine pool plants presently regulated under the order are located within this 24-county area, all of them in Davidson county.

Proponent's proposed Zone III would include all the territory in the Kentucky portion of the marketing area (the counties of Allen, Barren, Metcalfe, Monroe, Simpson and Warren and the Ft. Campbell military reservation) and the three Tennessee counties (Montgomery, Robertson and Stewart) that border on Kentucky and constitute the northwestern corner of the marketing area. As proposed, Zone III would carry a location adjustment of minus 20 cents. Two pool plants, at Bowing Green and Hiseville, Kentucky, respectively, are in this proposed Zone III.

DI further proposed additional location adjustment zones covering specified territories outside the marketing area. As proposed, a plus 10-cent location adjustment would apply at any plant location within the 39 Tennessee county area east of the marketing area and a minus 10-cent location adjustment would apply at any plant location within the 21 Tennessee county area west of the marketing area and a contiguous southeastern Kentucky area of 14 counties (Clay, Clinton, Cumberland, Jackson, Knox, Laurel, Lee, McCreary, Owsley, Pulaski, Rockcastle, Russell, Wayne and Whitley).

At plants in 10 contiguous Kentucky counties (Adair, Butler, Christian, Edmonson, Greene, Hart, Logan, Taylor, Todd and Trigg) adjacent to the northern boundary of the marketing area, DI proposed a minus 20-cent location adjustment. One pool plant (at Houkinsville, Kentucky) is within this area.

At any plant location outside the several designated location adjustment zones and more than 50 miles from the nearer of Pulaski or McMinnville, the DI proposal would provide a location adjustment of 10 cents plus 2 cents for each additional 10 miles or fraction thereof in excess of 60 miles. Such adjustment would be applied to reduce prices if the plant location was within the state of Kentucky or north of the Ohio River or west of the Mississippi River. At other locations, it would be applied to increase prices.

The National Farmers' Organization (NFO) opposed the changes in the location adjustment provisions proposed by DI. NFO took the position that the present location adjustment provisions are appropriate under current marketing conditions and accordingly should not be changed.

The removal of location pricing at plants that are east of the Mississippi River and to the south will not change the pricing presently applicable at each of the nine pool plants under the order. The applicable location adjustments at the pool plants located in Bowling Green, Hopkinsville and Hiseville, Kentucky (which are approximately 60, 75 and 105 miles, respectively, from Nashville) reduce prices 10, 11.5 and 16 cents, respectively.

The six pool plants remaining are within the base zone and thus are not subject to location pricing. As previously indicated, four of these plants are in or near Nashville and the other two are in Pulaski and McMinnville, respectively.

The Class I price adopted in this decision is established at a level deemed necessary to implement the purposes of the Act and will insure continuing adequate milk supplies to meet the needs of the fluid market. The location adjustment provisions now contained in the order, as modified by this decision, are provided to insure an appropriate adjustment of the Class I and uniform prices at plant locations beyond the central market. These adjustments reasonably reflect the location value of milk with respect to the central market in consideration of the variable cost of moving milk, and to this end, provide equity of prices as between handlers and equality of returns among producers.

The DI proposal which would provide location adjustments that would increase prices above the base zone price within specified geographic areas and in other areas generally south and east of Nashville must be denied. To provide such adjustments could only have the effect of limiting outside handlers access to the regulated market. While competitive class prices at outside locations, in some situations, may exceed the Nashville order Class I price here provided, it would not be appropriate to assess on outside handlers under the terms of the order a price higher than that assessed on handlers within the regulated market.

As indicated elsewhere in this decision, Class I prices in Federal orders are structured generally to increase in relation to the distance from Chicago and to reflect the variable cost of moving milk from the Chicago milkshed to distant markets. Substantially, the gradation of prices from market to market from north to south reflects a differential approximating 1.5 cents per hundredweight per 10 miles. This structure of prices must continue to be recognized in the structuring of prices under this order in the interest of maintaining orderly marketing in the region.

No useful purpose would be served by the application of the location pricing at plant locations east of the Mississippi River and south of the southern boundary of Tennessee or the northern boundary of South Carolina.

Class I prices in the Federal order markets south and east of Nashville exceed the Class I price adopted herein. Milk markets to the south and east are generally in tight supply and handlers

[3] Official notice is taken of the "1970 Census of Population", a publication of the U.S. Department of Commerce.

should not be encouraged to procure milk for this market from plants in the order markets south and east of Nashville. To do so would encourage uneconomic milk movements. To provide adjustments that would reduce the order price at locations to the south and east could distort the interorder price alignment among competing plants, which is essential to continuing orderly marketing in the region.

In urging the adoption of its proposed location adjustments rate of 2 cents per 10-mile distance, DI contended that the present 1.5-cent rate no longer reflects the cost of transporting milk from distant plants to the market. In support of its position, DI introduced data showing actual charges it had paid for hauling supplemental milk from Wisconsin and Minnesota during the fall months of 1974 and 1975. These hauling charges averaged 2.05 cents per hundredweight per 10 miles in 1974 and 2.2 cents in 1975.

NFO urged that the 1.5-cent rate be retained, contending it would be inappropriate to increase the 1.5-cent rate unless it is increased in all Federal orders at the same time.

It is neither appropriate nor necessary to establish higher prices in this market solely to reflect the currently higher transportation costs for moving milk. A relignment of prices to reflect such higher transportation costs can be accomplished only through a general hearing covering all Federal orders. At any such hearing, a matter that would have to be resolved is how this might be accomplished within the limits of the present variation in Class I prices from north to south. Further, if the total difference in prices north to south were to be increased, an important consideration at such hearing would center on how this might be accomplished under the standards of the Act and existing supply-demand relationships. Accordingly, the 2-cent per 10-mile location adjustment rate proposed by DI is denied.

The plants of the major distributors in the market are located in, or in close proximity to, Nashville. As the principal population center in the marketing area, Nashville has been a most appropriate basing point for computing location adjustments. Although DI proposed computing location adjustments from the nearer of Pulaski or McMinnville, the cooperative provided no testimony to justify replacing Nashville with Pulaski and McMinnville as basing points. Accordingly, the DI proposal therefor is denied.

In its exceptions to the recommended decision, DI reiterated the position it took at the hearing regarding location adjustments. It urged particularly that the Class I and uniform prices applicable at Pulaski and McMinnville be subject to a plus 10-cent location adjustment. DI contended that the higher price for producer milk received at the regulated plants at each of these locations is necessary to attract an adequate supply of milk to meet the local needs.

No location adjustments have ever been applicable under the order at Pulaski and McMinnville. The order prices at these locations have always been the same as the f.o.b. Nashville prices. The cooperative's assertion that a plus location adjustment at Pulaski and McMinnville is now necessary to attract an adequate supply to meet local needs is not evident from the experience of the handlers at these locations.

As indicated above, Pulaski and McMinnville, which are small cities in rural areas, are 75 and 73 miles, respectively, from Nashville. Milk that is produced for the Nashville order market in the immediate vicinity of these cities is substantially in excess of the needs of local handlers. Certainly, producers in this area incur no greater hauling cost in delivering milk to the Pulaski and McMinnville plants than in delivering to plants in Nashville, the principal population center for the market.

In view of the above, it cannot be concluded that a plus location adjustment should be applicable at Pulaski and McMinnville. The DI proposal therefore is denied.

3. *Point of pricing diverted milk.* No change should be made in the order provisions providing for the pricing of producer milk diverted from a pool plant to a nonpool plant at the location of the nonpool plant to which it is delivered.

Proposals of Dairymen, Inc. (DI) and The National Farmers' Organization (NFO) would price milk diverted to a nonpool plant within a designated distance from Nashville (125 miles in the DI proposal and 150 miles in the NFO proposal) at the location of the pool plant from which diverted

The location adjustments provided in the order recognize the greater value of producer milk f.o.b. plants in or near the principal population center (Nashville) in the marketing area as compared to its value at other locations. At plants outside Tennessee and 50 miles or more from Nashville the location adjustment (which reduces Class I and uniform prices) is 10 cents plus 1.5 cents for each 10 miles or fraction thereof that a plant Also, under a modification adopted in is more than 70 miles from Nashville. this decision, no location adjustment would apply at a plant that is located east of the Mississippi River and south of the southern boundary of Tennessee or the northern boundary of South Carolina.

If the cooperatives' proposals were adopted, different location adjustments could apply at a pool plant and a nonpool plant at the same location. This is because, as proposed, no location adjustment would apply to milk diverted (from a pool plant at which no location adjustment applies) to any nonpool plant within 125 or 150 miles of Nashville, whereas location adjustments are applicable at some pool plants 50 miles or more from Nashville.

All diverted producer milk has been priced under the order at the location of the nonpool plant to which it is delivered since June 15, 1971. Before that date diversions were priced at the location of the pool plant from which diverted. The change in the point of pricing diverted milk that became effective June 15, 1971, was achieved by a suspension action. That action was taken to remove the then existing economic incentive to load the pool to the detriment of established producers through the association with the regulated market of milk intended solely for manufacturing use and regularly received as diverted milk at distant nonpool plants in the area where produced.

Based on the record evidence of a hearing, the order was amended effective April 1, 1974 (following the Assistant Secretary's March 18, 1974, decision) to provide for pricing diverted milk at the location of the nonpool plant to which it is delivered. That decision, of which official notice is taken, found that it would be inconsistent to price milk at the location of the pool plant from which diverted when actually delivered to a nonpool plant where a different price is appropriate based on the location adjustment that would be applicable to a pool plant at the same location. The testimony presented by proponent cooperatives to reverse the Assistant Secretary's March 18, 1974, decision, as it applies to milk diverted to nonpool plants within 125 or 150 miles of Nashville, showed no changed conditions or circumstance in the market to provide a basis for such action.

Rulings on Proposed Findings and Conclusions

Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggesetd findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General Findings

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the tentative marketing agreement and the order, as hereby proposed to be amended, are such prices

as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

RULINGS ON EXCEPTIONS

In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was farefully and fully considered in conjunction with the record evidence. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

MARKETING AGREEMENT AND ORDER

Annexed hereto and made a part hereof are two documents, a Marketing Agreement regulating the handling of milk, and an Order amending the order regulating the handling of milk in the Nashville, Tennessee, marketing area, which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That this entire decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of the marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which is published with this decision.

DETERMINATION OF PRODUCER APPROVAL AND REPRESENTATIVE PERIOD

July 1976 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the order, as amended and as hereby proposed to be amended, regulating the handling of milk in the Nashville, Tennessee, marketing area is approved or favored by producers, as defined under the terms of the order (as amended and as hereby proposed to be amended), who during such representative period were engaged in the production of milk for sale within the aforesaid marketing area.

The United States Department of Agriculture has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

Signed at Washington, D.C. on October 14, 1976.

RICHARD L. FELTNER,
Assistant Secretary.

Order[1] amending the order, regulating the handling of milk in the Nashville, Tennessee, marketing area

FINDINGS AND DETERMINATIONS

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings.* A public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Nashville, Tennessee, marketing area. The hearing was held pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure (7 CFR Part 900).

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the Nashville, Tennessee, marketing area shall be in conformity to and in compliance with the terms and conditions of the order, as amended, and as hereby amended, as follows:

The provisions of the proposed marketing agreement and order amending the order contained in the recommended decision issued by the Administrator on July 23, 1976, and published in the FEDERAL REGISTER on July 29, 1976 (41 FR 31559) shall be and are the terms and provisions of this order, amending the order, and are set forth in full herein.

1. In § 1098.50, paragraph (a) is revised as follows:

§ 1098.50 Class prices.

* * * * *

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $1.85.

* * * * *

2. In § 1098.52, paragraph (a) is revised as follows:

§ 1098.52 Plant location adjustments for handlers.

(a) For milk received from producers or from a handler described in § 1098.9 (c) at a plant located outside the State of Tennessee and more than 50 miles from the State Capitol in Nashville by the shortest hard-surfaced highway distance as determined by the market administrator and classified as Class I milk (subject to the limitations pursuant to paragraph (b) of this section), the Class I price shall be reduced 10 cents plus 1.5 cents for each 10 miles or fraction thereof that such plant is more than 70 miles from the State Capitol, except that no adjustment shall be made under this paragraph at any plant that is located east of the Mississippi River and south of the southern boundary of Tennessee or the northern boundary of South Carolina.

* * * * *

[FR Doc.76-30633 Filed 10-18-76;8:45 am]

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 341]

[Docket No. 76N-0052]

OVER-THE-COUNTER DRUGS

Establishment of a Monograph for OTC Cold, Cough, Allergy, Bronchodilator and Antiasthmatic Products

Correction

In FR Doc. 76-22710, appearing at page 38312 in the issue for Thursday, September 9, 1976, make the following change:

The last line of paragraph d.(4)(ii)(b) in the first column on page 38418 should read "physician".

[21 CFR Part 809]

[Docket No. 76N-0355]

MEDICAL DEVICES

Establishment Registration and Premarket Notification Procedures

Correction

In FR Doc. 76-25877, appearing at page 37458 in the issue for Friday, September 3, 1976, make the following change:

The fourth word in the ninth line of § 809.20(a), now reading "regulation," should read "registration".

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

[FRL 631-7]

APPROVAL AND PROMULGATION OF STATE IMPLEMENTATION PLANS, NORTH DAKOTA

Notice of Proposed Rulemaking

On May 31, 1972 (37 FR 10885), pursuant to section 110 of the Clean Air Act and 40 CFR Part 51, the Administrator approved and promulgated the North Dakota State Implementation Plan (SIP). On September 26, 1974 (39 FR 34537), the Administrator disapproved a portion of the North Dakota SIP, as well as the SIPs of other states, because of circuit court rulings that confidentiality provisions could prevent the release of emission data to the public. On June 12, 1975 (40 FR 25009), the Administrator disapproved another portion of North Dakota's and other states' SIPs in that there were not procedures for preventing the significant deterioration of air quality as required by section 101(b)(1) of the Clean Air Act. Federal regulations (§ 52.21 (b), (c), (d), (e) and (f) were incorporated by reference and made a part of the North Dakota SIP.

On May 26, 1976, the Governor of North Dakota submitted revisions to the North Dakota SIP. The revisions include amendments to the North Dakota Century Code, revised new source review and permit to operate regulations (Regulation 23-25-14), new source performance standards (Regulation 23-25-12), emission standards for hazardous air pollutants (Regulation 23-25-13), and a prevention of significant air quality deterioration regulation (Regulation 23-25-15).

The requirements for public hearings and plan revisions (40 CFR 51.4 and 51.6) have been met by the State's proposed revisions, except that the revisions were not submitted within 60 days of adoption as required by 40 CFR 51.6(d). The intent of the 60 day limit has not been circumvented, however, and it is proposed that this requirement be waived.

The revisions to the North Dakota Century Code clarify the authorities and duties of the Department of Health and the Air Pollution Control Advisory Council. Penalties for violations were increased to be consistent with the Clean Air Act. The revisions also state explicitly that emission data shall not be considered as confidential information. The EPA disapprovals under 40 CFR 52.1825 and 52.1826 may therefore be withdrawn.

The new source review revisions, Regulation 23-25-14, meet the requirements of 40 CFR 51.18 with the exception of subparagraph (h)(2)(i), which requires that the entire new source application be available for public inspection. The revision requires only that a summary be available. Supplemental information was submitted by the State Agency on August 23, 1976, which states that the entire application will be available for public inspection. The requirements of 40 CFR 51.18(h)(2)(i) are therefore met.

Regulations 23-25-12 and 23-25-13, for new source performance standards and hazardous air pollutants respectively, are consistent with the Federal regulations published under 40 CFR Parts 60 and 61.

Regulation 23-25-15, for prevention of significant air quality deterioration, is consistent with 40 CFR 52.21. The allowable increments for increases in air quality levels due to a proposed source and the effective dates in the North Dakota regulation are identical to the Federal regulation. The North Dakota regulation covers additional source categories, coal mines and electric arc furnaces, and provides for consideration of the emissions expected from growth associated with the facility on the increment. 40 CFR 52.1829, promulgating the Federal prevention of significant air quality deterioration regulation for North Dakota, may be withdrawn.

The Administrator hereby issues this notice setting forth as proposed rulemaking, pursuant to Section 110 of the Clean Air Act and 40 CFR Part 51, the North Dakota revisions submitted on May 26, 1976, as revised by the supplemental information submitted on August 23, 1976.

The proposed North Dakota revisions are available for public inspection at the Office of the North Dakota Department of Health, Division of Environmental Engineering, Missouri Office Building, 1200 Missouri Avenue, Bismarck, North Dakota 58505. Copies of the proposed revisions and an evaluation of the revisions are available at the offices of the Environmental Protection Agency listed below:

Environmental Protection Agency, Office of Public Affairs, Suite 900, 1860 Lincoln Street, Denver, Colorado 80203.

Environmental Protection Agency, Public Information Reference Unit, Room 2922 (EPA Library), 401 M Street, S.W., Washington, D.C. 20460.

Interested persons are encouraged to submit written comments on any of the proposed revisions. Such comments will be accepted for consideration until November 18, 1976. Comments should be addressed to the Office of Regional Counsel, Environmental Protection Agency, Region VIII, Suite 900, 1860 Lincoln Street, Denver, Colorado 80203. All comments will be available for public inspection during business hours at the Denver office noted above.

AUTHORITY: Section 110 of the Clean Air Act, as amended (42 U.S.C. 1857c-5); 39 FR 18805.

Dated: October 1, 1976.

JOHN A. GREEN,
Regional Administrator.

It is proposed to amend Part 52 of Chapter I, Title 40 of the Code of Federal Regulations as follows:

Subpart JJ—North Dakota

1. In § 52.1820, paragraphs c(6) and c(7) are added as follows:

§ 52.1820 Identification of plan.

* * * * *

(c) * * *

(6) Revisions to the North Dakota Century Code making emission data public information and revising penalties, revised new source performance standards, emission standards for hazardous air pollutants, and prevention of significant air quality deterioration regulations submitted on May 26, 1976, by the Governor.

(7) Supplemental information stating that the complete new source application would be available for public review submitted August 23, 1976 by the State Department of Health.

§ 52.1825 [Reserved]

2. Section 52.1825 is revoked.

§ 52.1826 [Reserved]

3. Section 52.1826 is revoked.

§ 52.1829 [Revoked]

4. Section 52.1829 is revoked.

[FR Doc.76-30509 Filed 10-18-76;8:45 a.m.]

[40 CFR Part 52]

[FRL 63-6]

APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Withdrawal of Notice of Proposed Rulemaking for the Puerto Rico Implementation Plan

The purpose of this action is to withdraw Notice 75-24201 (40 FR 42211) published on September 11, 1975 in which the Environmental Protection Agency (EPA) announced and solicited comments on an EPA proposed amendment to Part 52 of Chapter I, Title 40, Code of Federal Regulations. The Notice proposed to revise the maximum allowable sulfur in fuel limitation for two industrial facilities in Puerto Rico—the Pfizer Pharmaceuticals unit no. 15 in the Barceloneta air basin and the Central Guanica facility in the Aguada air basin.

The EPA proposed sulfur limitations were 0.5 percent for the Pfizer Pharmaceuticals unit and 0.4 percent for the Central Guanica facility. These limitations were determined as being necessary to provide for the attainment and maintenance of the national ambient air quality standards for sulfur oxides. This determination was based on a diffusion model submitted by the Puerto Rico Environmental Quality Board (EQB) on June 2, 1975 in support of an islandwide implementation plan revision request submitted by EQB to EPA on January 3, 1975.

The September 11, 1975 proposal established a 30-day public comment period and a public hearing regarding the proposal was conducted by EPA on October 29, 1975. No written comments were received from the public during the comment period. At the public hearing the opinions expressed were generally against the proposed revision. Claims were made that the limitations required by the EPA regarding the two facilities were inaccurate.

On January 8, 1976 the EQB submitted to EPA information containing more accurate emission and source location data than that used in the June 2, 1975 model. The information also included results of a revised diffusion model which show that the emission limitations proposed by EPA on September 11, 1975 were unnecessarily stringent. The following data changes for the Pfizer Pharmaceuticals and the Central Guanica facilities were submitted:

Pfizer Pharmaceuticals. The corrected January 8, 1976 emission inventory for Pfizer Pharmaceuticals differed substantially from the inventory used in the earlier model. Stack heights and UTM coordinates were corrected. The predicted maximum annual ambient concentration of sulfur dioxide in the vicinity of the facility was reduced from 136 $\mu g/m^3$ to 42 $\mu g/m^3$.

Central Guanica. The January 8, 1976 model was run with Central Guanica units number 2 and 3 burning a cleaner mixture of fuel rather than residual oil used in the June 2, 1975 model. In addition the UTM coordinates were corrected. The maximum annual concentration of sulfur dioxide in the vicinity of the plant was 65 $\mu g/m^3$ as compared to 572 $\mu g/m^3$ predicted by the earlier model.

Based on the information contained in the revised model submitted on January 8, 1976, EPA has now determined that the sulfur-in-fuel limitations which are part of the existing implementation plan and are applicable to Pfizer Pharmaceuticals and Central Guanica are adequate to provide for the attainment and maintenance of standards. Consequently, the more stringent limitations proposed by EPA for these two facilities are not necessary, and both facilities may continue to burn fuel with a sulfur content not in excess of 1.0 percent, the applicable limitation contained in the original implementation plan approved by EPA on May 31, 1972 (37 FR 10905).

At this time, EPA does not contemplate further rulemaking with regard to the sulfur-in-fuel limitations for the two facilities which were the subject of EPA's proposal of September 11, 1975. Therefore, Notice 75-24201 which was published in the FEDERAL REGISTER on September 11, 1976 (40 FR 42211) and which announced EPA's proposal is hereby withdrawn.

Dated: October 7, 1976.

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

[FR Doc.76-30508 Filed 10-18-76;8:45 am]

[FRL 632-2; PP6E1825/P33]

[40 CFR Part 180]

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

Proposed Exemption From the Requirement of a Tolerance for the Pesticide Chemical Sodium Chlorate

Dr. C. C. Compton, Coordinator, Interregional Research Project No. 4, New Jersey State Agricultural Experiment Station, PO Box 231, Rutgers University, New Brunswick NJ 08903, has submitted a pesticide petition (PP6E1825) to the Environmental Protection Agency (EPA) on behalf of the IR-4 Technical Committee and the Agricultural Experiment Stations of North Dakota, South Dakota, Minnesota, and Texas. This petition requests that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act, propose that 40 CFR 180.1020 be amended by the establishment of an exemption from the requirement of a tolerance for residues of the pesticide chemical sodium chlorate in or on the raw agricultural commodity sunflower seeds when it is used in accordance with good agricultural practice as a desiccant in sunflower seed production.

The data submitted in the petition and all other relevant material having been evaluated, it has been concluded that the exemption from the requirement of a tolerance established by amending 40 CFR 180.1020 will protect the public health. There is no reasonable expectation of residues in eggs, milk, meat, or poultry as delineated in 40 CFR 180.6(a) (3). The EPA proposes, therefore, that the exemption from the requirement of a tolerance be established as set forth below.

Any person who has registered or submitted an application for the registration of a pesticide under the Federal Insecticide, Fungicide, and Rodenticide Act which contains any of the ingredients listed herein may request, on or before November 18, 1976, that this proposal be referred to an advisory committee pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation to the Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, Environmental Protection Agency, 401 M St. SW, East Tower, Rm. 401, Washington DC 20460. Three copies of the comments should be submitted to facilitate the work of the Agency and of others interested in inspecting them. The comments must be received on or before November 18, 1976, and should bear a notation indicating both the subject and the petition/document control number "PP6E 1825/P33". All written comments filed in response to this notice will be available for public inspection in the office of the Federal Register Section from 8:30 a.m. to 4 p.m. Monday through Friday.

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

Dated: October 6, 1976.

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

It is proposed that Part 180, Subpart D, § 180.1020 be amended by revising paragraph (b) to exempt residues of sodium chlorate in or on sunflower seeds from the requirement of a tolerance, to read as follows:

§ 180.1020 Sodium Chlorate; exemption from the requirement of a tolerance.

* * * * *

(b) Sodium chlorate is exempted from the requirement of a tolerance for residues in or on grain sorghum, fodder, and forage, rice and rice straw, and sunflower seeds, when used as a desiccant in accordance with good agricultural practice in the production of grain sorghum, rice, and sunflowed seeds.

[FR Doc.76-30635 Filed 10-18-76;8:45 am]

FEDERAL ENERGY ADMINISTRATION

[10 CFR Part 211]

EXEMPTION OF BUNKER FUELS SALES FROM EXPORT SALES DEDUCTION OF DOMESTIC CRUDE OIL ALLOCATION PROGRAM

Notice of Proposed Rulemaking and Public Hearing

On March 29, 1976, the Federal Energy Administration ("FEA") adopted amendments to Title 10, Part 211, of the Code of Federal Regulations with respect to the domestic crude oil allocation program (the "entitlements program") set forth at 10 CFR 211.67 (41 FR 13899; April 1, 1976). Included among the amendments adopted thereby were modifications to § 211.67(d) (2), that provides for deduction from a refiner's runs of the volume of export sales under § 212.53. These amendments clarified that the term "refined petroleum product" has always included aviation fuels, and added export sales of residual fuel oil (which, as defined in § 211.51, includes marine bunker fuels) as a deduction from a refiner's crude runs. A reference was also added to clarify that, for purposes of the deduction, export sales are those sales not subject to FEA price controls pursuant to § 212.53.

Generally, the purpose of the export sales deduction is to ensure that cost equalization benefits under the entitlements program are retained within the domestic market and are not granted to a refiner for sales of products made into the world market at uncontrolled prices.

Following the issuance of the rule adopting these changes, FEA received numerous inquires concerning the applicability of the export sales deduction to bunker fuels for marine use. Substantial volumes of such fuels are sold by many domestic refiners and it has not been clear which transactions in bunker fuels would be treated as export sales under § 212.53.

On April 30, 1976, FEA issued an emergency amendment adopting Special Rule No. 7 for Subpart C of Part 211 (41 FR 18646, May 6, 1976), which exempted from the § 211.67(d) (2) deduction requirements a refiner's export sales of Bunker C and Navy Special fuel oils and No. 4 diesel for marine use for the month of May 1976. This exemption was intended to provide FEA an opportunity to consider further the types of transactions in bunker fuels that would be considered export sales under § 212.53. A public hearing was held on May 18, 1976 and

written comments were received from producers and consumers of bunker fuels.

On May 28 and August 30, 1976 FEA extended the effectiveness of the Special Rule for an additional period through October 1976 (41 FR 22343, June 3, 1976 and 41 FR 37308, September 3, 1976).

After evaluating the public comments and further considering the issues involved, as set forth in its notice extending the effectiveness of the Special Rule through October 1976, FEA has determined to propose herein amendments to the entitlements program to exempt permanently from the deduction requirements of § 211.67(d)(2) export sales of Bunker C and Navy Special fuel oils and No. 4 diesel for marine use on voyages departing from a port in the United States. In this regard, it should be noted that the bunker sales so exempted would include only those for marine fuel on a voyage departing from a domestic port, and not sales of bunker cargoes for shipment and consumption abroad.

FEA's initial conclusions in this regard are that the permanent exemption of certain export sales of marine bunker fuels from the entitlement deduction requirements of § 211.67(d)(2) would not conflict with the underlying purpose of that provision. The exemption as proposed would serve to retain within the domestic economy a measure of the entitlement benefits associated with the production of bunker fuels, as such benefits would be reflected in lower prices charged for transporting goods (and passengers) to and from the United States. This proposal would also eliminate the necessity of distinguishing sales made for the coast-wise trade and for international voyages. Such a distinction would increase the administrative burdens for FEA under the entitlements program and would tend to interfere with the operation of the domestic bunker market. The administrative complexities that would face refiners and consumers of bunker fuels in separately identifying and recording such sales, as well as the difficulties of monitoring and assuring compliance with the program, would appear to be excessively burdensome. In addition, FEA has tentatively concluded that the creation of a two-tier bunker market, that would result if some sales gave rise to an entitlement loss while other sales were made at prices reflecting entitlement value, could cause significant and unnecessary distortions in that market.

Accordingly, FEA proposes hereby an amendment to § 211.67(d)(2) which would exempt from the export sales deduction requirements export sales of Bunker C and Navy Special fuel oils and No. 4 diesel for marine use effective November 1, 1976. In connection with its further evaluation of this proposal, FEA also solicits comments and suggestions on whether other fuels, such as certain middle-distillate products not currently covered by Special Rule No. 7 and used as marine bunker fuels, should also qualify for the exemption.

Interested persons are invited to participate in this rulemaking proceeding by submitting data, views, or arguments with respect to the subject matter set forth in this notice to Executive Communications, Room 3309, Federal Energy Administration, Box JI, Washington, D.C. 20461.

Comments should be identified on the outside of the envelope and on documents submitted to FEA Executive Communications with the designation "Export Sales of Bunker Fuels Under Entitlements Program". Fifteen copies should be submitted. All comments received by October 31, 1976, and all relevant information, will be considered by the Federal Energy Administration. In order to expedite its review of the public comments on this proposal, FEA requests that such comments be submitted as soon as possible. Any information or data considered by the person furnishing it to be confidential must be so identified and submitted in writing, one copy only. The FEA reserves the right to determine the confidential status of the information or data and to treat it according to that determination.

The public hearing will be held at 9:30 a.m. on October 29, 1976 in Room 7132, Federal Building, 12th and Pennsylvania Avenue, N.W., Washington, D.C.

Any person who has an interest in the subject matter of the hearing, or who is a representative of a group or class of persons that has such an interest, may make a written request for an opportunity to make an oral presentation. Such a request should be directed to Executive Communications, FEA, and must be received before 4:30 p.m., October 21, 1976.

Such a request may be hand delivered to Room 3309, Federal Building, 12th and Pennsylvania Avenue, NW., Washington, D.C., between the hours of 8:00 a.m., and 4:30 p.m., Monday through Friday. The person making the request should be prepared to describe the interest concerned; if appropriate, to state why he or she is a proper representative of a group or class of persons that has such an interest; and to give a concise summary of the proposed oral presentation and a phone number where he or she may be contacted through October 27, 1976. Each person selected to be heard will be so notified by FEA before 4:30 p.m. e.d.t., October 22, 1976, and must submit 100 copies of his or her statement to Allocation Regulation Development Office, FEA, Room 2214, 2000 M Street, NW., Washington, D.C. before 4:30 p.m., e.d.t., on October 28, 1976.

FEA reserves the right to select the persons to be heard at these hearings, to schedule their respective presentations and to establish the procedures governing the conduct of the hearings. The length of each presentation may be limited, based on the number of persons requesting to be heard.

An FEA official will be designated to preside at the hearings. These will not be judicial or evidentiary-type hearings. Questions may be asked only by those conducting the hearings, and there will be no cross-examination of persons presenting statements. At the conclusion of all initial oral statements, each person who has made an oral statement will be given the opportunity, if he or she so desires, to make a rebuttal statement. The rebuttal statements will be given in the order in which the initial statements were made and will be subject to time limitations.

Any interested persons may submit questions, to be asked of any person making a statement at the hearings, to Executive Communications, FEA before 4:30 p.m., e.d.t., October 27, 1976. Any person who wishes to ask a question at the hearings may submit the question, in writing, to the presiding officer. FEA or the presiding officer, if the question is submitted at the hearings, will determine whether the question is relevant, and whether the time limitations permit it to be presented for answer.

Any further procedural rules needed for the proper conduct of the hearings will be announced by the presiding officer.

A transcript of the hearing will be made and the entire record of the hearings, including the transcript, will be retained by FEA and made available for inspection at the Freedom of Information Office, Room 2107, Federal Building, 12th and Pennsylvania Avenue, N.W., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday. Any person may purchase a copy of the transcript from the reporter.

As required by section 7(c)(2) of the Federal Energy Administration Act of 1974, Pub. L. 93-275, a copy of this notice has been submitted to the Administrator of the Environmental Protection Agency for his comments concerning the impact of this proposal on the quality of the environment. The Administrator had no comments.

This proposal has been reviewed in accordance with Executive Order 11821, issued November 27, 1974, and has been determined not to be of a nature that requires an evaluation of its inflationary impact pursuant to Executive Order 11821.

(Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159, as amended, Pub. L. 93-511, Pub. L. 94-99, Pub. L. 94-133, Pub. L. 94-163, and Pub. L. 94-385; Federal Energy Administration Act of 1974, Pub. L. 93-275, as amended, Pub. L. 94-385; Energy Policy and Conservation Act, Pub. L. 94-163, as amended, Pub. L. 94-385; E.O. 11790, 39 FR 23185; E.O. 11933, 41 FR 36641.)

In consideration of the foregoing, it is proposed to amend Part 211, Chapter II of Title 10, Code of Federal Regulations, as set forth below.

Issued in Washington, D.C., October 14, 1976.

MICHAEL F. BUTLER,
General Counsel.

Section 211.67 of Part 211 is amended in paragraph (d)(2) to read as follows:

§ 211.67 Allocation of domestic crude oil.

* * * * *

(d) *Adjustments to volume of crude oil runs to stills.* * * *

(2) The volume of a refiner's crude oil runs to stills in a particular month for purposes of the calculations in paragraph (a) (1) of this section and the calculations for the national domestic crude oil supply ratio shall be reduced by that refiner's volume of export sales under § 212.53 of Part 212 of this chapter in that month of refined petroleum products (including aviation fuels as defined in § 211.142 of this part, but excluding refined lubricating oils) and residual fuel oil, including sales to a domestic purchaser which certifies the product is for export: *Provided, however,* That the volume of a refiner's crude oil runs to stills for a month shall not be reduced by that refiner's volume of export sales of Bunker C and Navy Special fuel oils and No. 4 diesel for use as a marine fuel on a voyage departing from a United States port.

* * * * *

[FR Doc.76-30693 Filed 10-15-76;10:01 am]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 1211]

[No. 32448 (Sub-No. 1)]

UNIFORM SYSTEM OF ACCOUNTS FOR RATE BUREAUS

Proposed Rulemaking

At a General session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 21st day of September 1976.

This proceeding is being instituted to consider the adoption of a uniform system of accounts for rate bureaus (USOA), responsive to finding 6 in "Rate Bureau Investigation," 349 I.C.C. 811, affirmed 351 I.C.C. 437. In that proceeding, the Commission concluded among other things, that an accounting system should be prescribed for carrier ratemaking organizations (commonly referred to as rate bureaus) operating pursuant to agreements approved under section 5a of the Interstate Commerce Act (49 U.S.C. 5b).

Our objective is to develop a basic accounting system that can serve the Commission's needs and can be expanded to provide for specific rate bureau information needs. The proposed USOA will assist the Commission in assessing the financial condition of rate bureaus and facilitate the comparison of current and prior year financial information. The USOA will insure that information is accumulated and accounted for in a consistent manner.

Before drafting the proposed USOA, a Bureau of Accounts representative visited seven rate bureaus and reviewed their accounting systems and organization structures. The review indicated that a general chart of accounts would be most practicable and compatible with existing rate bureau accounting systems. The general chart of accounts can be expanded to accommodate the differences in rate bureau management information needs.

We recognize the proposed account coding scheme may not be practicable for certain rate bureaus or the cost of conversion to the new scheme may be excessive. Therefore, we will not require account coding of source documents or use of coding scheme in the accounting system provided adequate conversion systems are developed to assist Commission personnel in the review and inspection of rate bureau accounting records.

The proposed USOA will be effective for the year beginning January 1, 1977. All rate bureaus, conferences, committees and organizations with annual operating revenues of $100,000 or more, subject to sections 5a and 5b of the Interstate Commerce Act 49 U.S.C. 5b and 5c, will be required to comply with the system. The $100,000 revenue guideline was established to reduce the accounting and reporting burden for smaller rate bureaus while insuring that a significant percentage of rate bureau industry of sections 5a and 5b of the Interstate The proposed USOA will appear at 49 CFR Part 1211, which is set forth below.

Upon consideration of the above-described matters and good cause appearing therefor:

It is ordered, That a proceeding be, and it is hereby, instituted under the authority of section 5a and 5b of the Interstate Commerce Act and pursuant to sections 553 and 559 of the Administrative Procedure Act with a view to adopting the proposed USOA set forth below and for the purpose of taking such other and further action as the facts and circumstances may justify and require.

It is further ordered, That all carrier members of ratemaking organizations, subject to sections 5a and 5b of the Interstate Commerce Act be, and they are hereby, made respondents in this proceeding.

It is further ordered, That no oral hearing be scheduled for the receiving of testimony in this proceeding unless a need therefor should later appear, but that respondents or any other interested parties may participate in this proceeding by submitting for consideration written statements of facts, views, and arguments on the subjects mentioned above, or any other subjects pertaining to this proceeding.

It is further ordered, That any interested persons wishing to submit written statements of facts, views, or arguments shall file an original (and, if possible, 15 copies) of such representation with the Secretary, Interstate Commerce Commission, 12th & Constitution Avenue, NW., Washington, D.C. 20423, by November 30, 1976 and that all such statements will be considered as evidence and as a part of the record in this proceeding.

It is further ordered, That written material or suggestions submitted shall be made available for public inspection at the offices of the Interstate Commerce Commission, 12th & Constitution Avenue, NW., Washington, D.C., during regular business hours.

And it is further ordered, That statutory notice of the institution of this proceeding be given to all respondents and to the general public by mailing a copy of this order to the Governor of every State and the Public Utilities Commissions or Boards of each State having jurisdiction over transportation, by posting a copy of this order in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection, and by delivering a copy thereof to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER as notice to all interested persons.

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.

By the Commission.

ROBERT L. OSWALD,
Secretary.

PART 1211—RATE BUREAUS

DEFINITIONS

Rate Bureau Instructions

1. Classification of bureaus
2. Records
3. Accounting period
4. Charges to be just and reasonable
5. Interpretations of prescribed accounting
6. Long-term obligations
7. Extraordinary, unusual or infrequent items, prior period adjustments and accounting changes

CHART OF ACCOUNTS—BALANCE SHEET ACCOUNT EXPLANATIONS

CHART OF ACCOUNTS—REVENUE AND EXPENSES REVENUE AND EXPENSE ACCOUNT EXPLANATIONS

FORM OF STATEMENT OF FINANCIAL POSITION

FORM OF STATEMENT OF RESULTS OF OPERATIONS

DEFINITIONS

1. "Accounts," means the accounts prescribed in this system of accounts.

2. "Amortization," means the gradual extinguishment of an amount in an account by prorating such amount over either a fixed period dependent on the requirements of regulatory bodies, life of the asset or liability to which it applies or over the period of anticipated benefit.

3. "Bureau," means a rate bureau or conference subject to Section 5a and 5b of the Interstate Commerce Act, 49 U.S.C. 5a and 5b.

4. "Commission," means the Interstate Commerce Commission.

5. "Current assets," means cash as well as those assets that are readily convertible into cash or are held for current use in operations or construction; current claims against others, payment of which is reasonably assured; and other amounts accruing to the bureau which are subject to settlement within 1 year from the date of the current financial statements or upon demand.

6. "Current liabilities," means those obligations that amount of which is definitely determined or closedly estimated which are either matured or become due within 1 year from date of the current financial statements or assumption or upon demand.

7. "Long-term obligations," means obligations having a life of more than 1 year, from the date of creation or assumption, which will not be paid within 1 year from the date of the current financial statements.

Rate Bureau Instructions

1. Classification of bureaus.

(a) For purposes of accounting regulations, bureaus are grouped into the following classes:

Class I: Bureaus having annual operating revenues of $100,000 or more.

Class II: Bureaus having annual operating revenues of less than $100,000.

(b) (1) The class to which any bureau belongs shall be determined by annual revenue. If at the end of any calendar year such annual revenue is greater than the maximum for class II, the bureau shall adopt the accounting requirements of class I. A class II bureau's adoption of class I classification shall be effective as of January 1 of the second succeeding year.

(2) If, at the end of any calendar year, a bureau's annual revenue is less than the minimum of class I, and has been for three consecutive years, the bureau shall adopt class II status effective January 1 of the following year.

(3) Bureaus shall notify the Commission of any change in classification by completing and returning the Classification Form by October 31.

(4) Any bureau which begins operations shall be classified in accordance with a reasonable estimate of its annual revenues.

(5) When a business combination occurs, such as a merger, reorganization, or consolidation, the surviving bureau shall be reclassified effective January 1 of the next calendar year on the basis of the combined revenue for the year when the combination occurred.

(6) In unusual circumstances, where the classification regulations will unduly burden the bureau, the bureau may request the Commission for an exception to the regulations. This request shall be in writing specifying the conditions justifying an exception.

(c) Any class II bureau may adopt the class I accounting requirements at its option. Notice of such action shall be promptly filed with the Commission.

2. Records.

(a) All of the accounts prescribed in this system of accounts shall be kept when applicable and entries recorded by the double entry method. Each account in the general or subsidiary ledgers shall reflect the prescribed account number. Account titles shall clearly indicate the type of items included therein if the exact titles prescribed herein are not used.

(b) Each bureau shall keep its general accounting books, and all other books, records, and memoranda which support in any way the entries to such accounting books, and analyses of general ledger account balances, readily accessible so that it can furnish at any time full information as to any account. Moreover, the month, day, year, and posting reference shall be shown for each entry in the general ledger and subsidiary records and the entries shall be supported with detailed information that will provide a ready analysis and verification of the facts recorded therein. All expenditures including the expense accounts of officers and employees shall be definitely supported by vouchers, payrolls, receipted bills, canceled checks, receipts for petty cash payments, or other evidences of the expenditures incurred.

(c) The books referred to herein include not only books of accounts in a limited technical sense but all other records such as minute books, stock books, reports, correspondence, and memoranda which will be useful in developing the history of or facts regarding any transaction.

(d) Bureaus shall not destroy any books, records, or memoranda which support entries to their accounts unless the destruction thereof is specifically provided for in the regulations to govern the destruction of records. (Part 1253 of this chapter.)

(e) Subdivision of any account in this system of accounts may be kept, provided that such subdivisions do not impair the integrity of the accounts prescribed. The Commission reserves the right to order any bureau to subdivide any account in this system of accounts. The title of each such subdivision shall clearly indicate the account of which it is a part. Each subdivision of a prescribed account may be identified by a suffix to the prescribed account number. When an account is subdivided in the general ledger, an account need not be maintained for the total of the subdivisions. When such subdivisions are carried in subsidiary ledgers, however, the general ledger shall contain the controlling accounts therefor so that a complete general ledger trial balance may be obtained.

3. Accounting period.

(a) Each bureau shall keep its books on the basis of either (1) an accounting year of 12 months ending on the 31st day of December in each year, or (2) an accounting year of thirteen 4-week periods ending at the close of the last 7 days of each calendar year.

(b) A bureau electing to adopt an accounting year of thirteen 4-week periods shall file with the Commission a statement showing the day on which its accounting year will close. A subsequent change in the accounting period may not be made except by authority of the Commission.

(c) To avoid repetition, wherever "calendar year" appears in this system of accounts it is intended to also mean "or an accounting year of thirteen 4-week periods" and wherever "month" appears it is intended to also mean "or 4-week period."

(d) For each month all transactions applicable thereto, as nearly as can be ascertained, including full accruals, shall be entered in the books of original entry, such as cash book, purchase journals, and other journals, and posted to the general ledger. A trial balance of the general ledger accounts shall be prepared at the close of each month setting out the account number, title, and amount of each ledger account. (Mechanical, electronic or automatic data processing printout documentation producing the equivalent of manually prepared trial balances shall identify balances by account numbers.) At the close of the calendar year, the revenue, expense, and other income shall be closed and the balance sheet account balances shall be brought forward to the general ledger for the succeeding year.

(e) The final entries for any month shall be made in the general ledger not later than 60 days after the last day of the month for which the accounts are stated, unless otherwise authorized by the Commission, except that the period within which the final entries for the last month of the calendar year shall be made may be extended to such date in March of the following year as shall not interfere with the preparation and filing of annual reports.

(f) No changes shall be made in the accounts for annual reports that have been filed with the Commission unless the changes have first been authorized by the Commission.

4. Charges to be just and reasonable.

All charges to the accounts prescribed in this system of accounts for bureaus operating revenues, operating expenses, and other bureau expenses, shall be just, reasonable and not exceed amounts necessary to the honest and efficient operations and management of the bureau. Payments shall not exceed the fair market value of goods and services, acquired in an arm's-length transaction. Any payments in excess of such just and reasonable charges shall be included in other revenues or expenses.

5. Interpretation of prescribed accounting.

(a) The cross-references included in, and notes following, the texts of various instructions and accounts are for the purpose of indicating the applicable provisions of other sections. Such references are not to be construed as comprising a complete list of the instructions relating to a particular subject, since the definitions, the general instructions, and the texts of each account must be given consideration in determining the prescribed accounting.

(b) All questions of doubtful interpretation of the prescribed accounting shall be submitted by responsible accounting officials of the bureau to the Commission for consideration and decision.

6. Long-term obligations.

When evidences of debt (other than unsecured advances payable) which do not mature within 1 year from date of issuance are issued or assumed, the face amount of such evidence of debt shall be recorded in the account captioned, "Long-term obligations."

7. Extraordinary, unusual or infrequent items; prior period adjustments; and accounting changes.

(a) *Extraordinary Items.* (1) All items of profit and loss recognized during the year are includible in ordinary income unless evidence clearly supports their classification as extraordinary items. Extraordinary items are characterized by both their unusual nature and infrequent occurrence taking into account the environment in which the bureau operates; they must also meet the materiality standard.

(2) Unusual means the event or transaction must possess a high degree of abnormality and be of a type clearly unrelated to, or only incidentally related, to the ordinary and typical activities of the entity.

(3) Infrequent occurrence means the event or transaction shall be of a type not reasonably expected to recur in the foreseeable future.

(b) *Unusual or Infrequent Items.* Material events unusual in nature or infrequent in occurrence but not both, thus not meeting both criteria for classification as extraordinary, shall be included in the accounts provided as separate components of income/expense from continuing operations. Such items are not to be reported net of income taxes.

(c) *Prior Period Adjustments.* Adjustments occurring in the current accounting period, relating to events or transactions which occurred in a prior period, the accounting effects of which could not be determined with reasonable assurance at that time, shall be reported as prior period adjustments. A prior period adjustment should be reported by restating the beginning balance of retained earnings of the current year and correspondingly adjusting related prior year balances presented for comparative purposes. Such adjustments shall not be considered prior period unless: (1) they can be specifically identified with and directly related to the business activities of particular prior periods, and (2) are not attributable to economic events occurring subsequent to the date of the financial statements for the prior period, and (3) depend primarily on determinations by persons other than management, and (4) were not susceptible of reasonable estimation prior to such determination, and (5) they are material. If an adjustment does not meet such criteria, it shall be separately disclosed as to year of origin, nature, and amount and classified in the current period in the same manner as the original item. If the adjustment is the correction of an error, it shall be reported as a prior period adjustment.

(d) *Accounting Changes.* A change in accounting principle or accounting entity should be referred to this Commission for approval. The cumulative effect of a change in accounting principle should ordinarily be reflected in the account provided for in determining net income; in certain cases accounting changes may be reflected as prior period adjustments. Changes in accounting estimates should ordinarily be reflected prospectively.

(e) *Materiality.* As a general standard an item shall be considered material when it exceeds 10 percent of annual income (loss) before extraordinary items. An item may also be considered in relation to the trend of annual earnings before extraordinary items or other appropriate criteria. Items shall be considered individually and not in the aggregate in determining materiality. However, the effects of a series of related transactions arising from a single specific and identifiable event or plan of action shall be aggregated to determine materiality.

(f) *Commission Approval and Accountant's Letter.* Items shall be included in the accounts provided for extraordinary items, unusual or infrequent items, prior period adjustments and cumulative effect of changes in accounting principles only upon approval of the Commission. If the bureau retains the service of an independent accountant, a request for using these accounts shall be accompanied by a letter from the independent accountant approving or otherwise commenting on the request.

NOTE: The bureau may refer to generally accepted accounting principles for further guidance in applying Instructioin 7.

RATE BUREAU CHART OF ACCOUNTS

Assets

1010 Regular and payroll deposits
1020 Special deposits
1030 Petty cash
1040 Short-term investments
1050 Accounts receivable—trade
1060 Accounts receivable—other
1070 Allowance for doubtful accounts
1080 Notes receivable
1090 Prepayments
1200 Supplies inventory
1210 Other current assets
1220 Buildings
1230 Accumulated depreciation
1240 Furniture, fixtures and equipment
1250 Accumulated depreciation
1260 Vehicles
1270 Accumulated depreciation
1280 Other
1290 Accumulated depreciation
1300 Leasehold improvements
1310 Accumulated amortization
1320 Deferred charges
1330 Other assets

Liabilities

2010 Notes payable
2020 Accounts payable
2030 Payroll taxes payable
2040 Employee benefits payable
2050 Accrued liabilities
2060 Membership applications pending
2070 Dues and assessments collected in advance
2080 Deferred credits
2090 Long-term obligations

Member Equity

3010 Working funds

Operating Revenues

4100 Member assessments
4200 Admission fees
4300 Bulletin fees
4400 Tariff fees
4500 Participation fees
4600 Quotation fees
4700 Other

Operating Expenses

5010 Salaries and wages
5020 Payroll taxes
5030 Employee benefits
5040 Professional services
5050 Depreciation
5060 Amortization
5070 Outside printing
5080 Operating supplies
5090 Postage and mailing fees
5100 Filing fees
5110 Utilities and communication services
5120 Rents
5130 Travel and entertainment
5140 Uncollectible accounts
5150 Insurance
5160 Property and other taxes
5170 Miscellaneous

Other Revenues

4810 Interest
4820 Gain on asset disposition
4830 Extraordinary, unusual or infrequent items, and accounting changes

Other Expenses

5310 Interest
5220 Loss on asset disposition
5230 Extraordinary, unusual, or infrequent items and accounting changes

RATE BUREAUS—TEXT OF ACCOUNTS

Assets

1010 *Regular and payroll deposits.* This account shall include all deposits in banks or trust companies (including savings accounts) available on demand for paying general Bureau obligations and payrolls.

1020 *Special deposits.* This account shall include bank deposits subject to withdrawal for specific purposes only, and cash and bank credits placed in the hands of fiscal agents or others for special purposes (other than the payments of interest or dividends), such as deposits with Federal, State, or municipal authorities, public utilities, insurance companies, or others, as a guaranty for the fulfillment of current obligations. Entries to this account shall specify the purpose for which the deposit is made.

1030 *Petty cash.* This account shall include amounts advanced to officers, agents, employees and others as petty cash or working funds of a continuing nature from which certain expenditures are to be made and accounted for.

1040 *Short-term investments.* This account shall include the book cost of investments such as time drafts and loans receivable, marketable securities and similar investments acquired for the purpose of temporarily investing cash. Any securities included in this account must be of such a nature as to be readily convertible into cash at substantially their book value.

1050 *Accounts receivable—trade.* This account shall include amounts currently due for membership dues, bulletin fees, tariff fees, supplements, participation and quotation fees.

1060 *Accounts receivable—other.* This account shall include amounts currently due from employees and others for advances, loans or other short-term indebtedness.

1070 *Allowance for doubtful accounts.* This account shall include

amounts specifically or systematically reserved from receivables which may become uncollectable.

1080 *Notes receivable.* This account shall include the current book cost of collectible obligations in the form of notes receivable or similar evidences of money receivable and all interest accrued on such receivables.

1090 *Prepayments.* This account shall include amounts paid or incurred in advance for insurance, taxes, postage, interest and other expenses, the benefits of which are to be realized in subsequent periods.

1200 *Supplies inventory.* This account shall include the cost of all unused printing, mailing and office supplies used in Bureau operations. Inventories of materials and supplies should be taken on intervals of 1 year or less and appropriate adjustments should be made to bring this account into harmony with the actual physical inventory.

1210 *Other current assets.* This account shall include the cost of all other current assets not specifically provide for elsewhere.

1220 *Buildings.* This account shall include the cost of buildings and structures and any fixtures permanently affixed thereto.

1240 *Furniture, fixtures and equipment.* This account shall include the installed cost of furniture, fixtures, appliances and equipment used in Bureau operations.

1260 *Vehicles.* This account shall include the total cost of all vehicles purchased and used by the Bureau.

1280 *Other.* This account shall include the cost of all other depreciable assets used in Bureau operations.

1230, 1250, 1270, 1290 *Accumulated depreciation.* An accumulated depreciation account should be maintained for each property or equipment classification and include the amount of cost charged to expense as depreciation during the current and prior periods.

1300 *Leasehold Improvements.* This account shall include the initial cost and subsequent additions and betterments to property held under lease by the Bureau.

1310 *Accumulated amortization.* This account shall include the cost of leasehold improvements charged to expense as amortization.

1320 *Deferred charges.* This account shall include all expenses of a deferred nature which are to be subsequently amortized to expense.

1330 *Other assets.* This account shall include the long-term portion of all other assets not specifically provided for elsewhere. This account will include investments in marketable securities and notes maturing later than one year from the date of the current financial statements; cash surrender values of life insurance policies on the lives of officers and employees; accounts receivable not subject to current settlement; costs incident to organization.

Liabilities and Equity

2010 *Notes payable.* This account shall include the current portion of outstanding obligations in the form of notes, drafts, acceptances, advances, loans and similar evidences of indebtedness. This account shall also include all accrued interest currently payable on the aforementioned obligations.

2020 *Accounts payable.* This account shall include amounts payable to others that are subject to current settlement, for materials and supplies, services received, matured rents and other similar services.

2030 *Payroll taxes payable.* This account shall include undeposited FICA, Federal, state and city income taxes withheld from employees.

2040 *Employee benefits payable.* This account shall include amounts withheld and payable for employee life insurance, hospitalization, pension or retirement contributions, bond allotments and all other employee benefits.

2050 *Accrued liabilities.* This account shall include amounts accrued for salaries, payroll taxes, employee benefits and all other expenses.

2060 *Membership applications pending.* This account shall include amounts submitted by prospective members in advance of the effective date of their membership.

2070 *Dues and assessments collected in advance.* This account shall include dues and assessments received in advance from active members.

2080 *Deferred credits.* This account shall include all other credits of a deferred nature which are subsequently to be amortized.

2090 *Long-term obligations.* This account shall include the long-term portion of outstanding obligations in the form of notes, drafts, acceptances, advances, loans and similar evidences of indebtedness.

3010 *Working Funds.* This account represents the net worth of the Bureau or Conference and shall include the excess of revenues over expenses or expenses over revenues for the accounting period. Subsequent distribution of over assessments to members should be charged to this account.

Operating Revenues

4100 *Member assessments.* This account shall include all dues assessed to members on a regular basis for general expenses and services not charged for on a specific basis. It shall also include charges for watching services.

4200 *Admission fees.* This account shall include one-time admission fees charged to new members and members reinstated after suspension or cancellation of prior memberships. This account shall be debited for refunds or credit memos issued for adjustments.

4300 *Bulletin fees.* This account shall include all amounts assessed to members and non-members for bulletin service fees.

4400 *Tariff fees.* This account shall include all amounts assessed to members and non-members for tariff printing and distribution services, tariff supplements, extra copies of tariffs to members above their regular allotment, and division sheets.

4500 *Participation fees.* This account shall include all amounts received for tariff sales and supplemental service from carrier non-members.

4600 *Quotation fees.* This account shall include all amounts assessed to non-members for preparation and distribution of additional quotations.

4700 *Other.* This account shall include all other operating revenues not specifically provided for elsewhere.

Operating Expenses

5010 *Salaries and wages.* This account shall include amounts paid and accrued for gross salaries and wages of executives, supervisory, clerical and other personnel.

5020 *Payroll taxes.* This account shall include FICA, unemployment and other payroll taxes paid and accrued to Federal and state taxing authorities.

5030 *Employee benefits.* This account shall include the net payments (premiums or contributions less dividends or refunds) to trustees or commercial insurance companies for retirement benefits, payments made directly to retired employees and payments for all other payroll related benefits.

5040 *Professional services.* This account shall include amounts paid for advisory and consulting services relating to non-routine business decisions. This account shall include fees for accounting, legal, auditing and consulting services.

5050 *Depreciation.* This account shall include the cost of buildings, furniture, fixtures, equipment, vehicles and all other depreciable assets charged to expense during the current accounting period.

5060 *Amortization.* This account shall include the cost of leasehold improvements and other assets charged to expense as amortization during the current accounting period.

5070 *Outside printing.* This account shall include all printing costs paid to outside vendors.

5080 *Operating supplies.* This account shall include the cost of paper, cards, tapes, envelopes and other supplies used in data processing and regular business operations.

5090 *Postage and mailing.* This account shall include all postage and mailing fees related to the distribution of tariffs, bulletins and other special services.

5100 *Filing fees.* This account shall include all costs related to the filing of tariffs and supplements with government agencies.

5110 *Utilities and communication services.* This account shall include the cost of heat, light, power, telephone, telegraph and other related services used in Bureau operations.

5120 *Rent.* This account shall include rental payments for offices, vehicles and equipment used in Bureau operations.

5130 *Travel and entertainment.* This account shall include the cost of traveling and entertaining for the benefit of the Bureau. Items included in this account shall include, but are not limited to, automobile allowances, banquets, conventions, hotels, meals, meetings, public transportation fees and business gifts.

5140 *Uncollectible accounts.* This account shall include all expenses incurred and related to uncollectible accounts receivable.

5150 *Insurance.* This account shall include the net cost (premium less dividends or refunds) of property, liability and other insurance coverage. This account shall also include the amount of prepaid insurance premiums amortized to insurance expense during the accounting period.

5160 *Property and other taxes.* This account shall include charges for real estate, personal property and other miscellaneous taxes and licenses assessed by governmental organizations.

5170 *Miscellaneous.* This account shall include charges for bank fees, deliveries, repairs and maintenance and other expenses not specifically provided for elsewhere.

Other Revenues

4810 *Interest.* This account shall include interest accruing and earned upon securities of other companies; Federal, state or municipal government; loans, notes, advances, special deposits and all other interest bearing assets.

4820 *Gains on asset dispositions.* This account shall reflect the gains recognized on dispositions of depreciable and non-depreciable Bureau assets.

4830 *Extraordinary, unusual or infrequent items and accounting changes.* This account shall include gains from extraordinary, unusual or infrequent items and accounting changes in accordance with the text of Instruction 7, upon approval by the Commission.

Other Expenses

5210 *Interest.* This account shall include interest and finance costs charged by banks, lending institutions, and other sources on Bureau indebtedness.

5220 *Loss on asset dispositions.* This account shall reflect the losses recognized on sales, retirements or trade-ins of depreciable and non-depreciable assets.

5230. *Extraordinary, unusual or infrequent items and accounting changes.* This account shall include losses from extraordinary, unusual or infrequent items and accounting changes in accordance with the text of Instruction 7, upon approval by the Commission.

GENERAL FORM OF STATEMENT OF FINANCIAL POSITION

ASSETS

Current assets:
1010–1030 Cash
1050–1060 Accounts receivable
1070 Less: Allowance for doubtful accounts
1040 Short term investments
1080 Notes receivable
1090 Prepayments
1200 Supplies inventory
1210 Other current assets
Total current assets.
Non-current assets:
Operating properties:
1220 Buildings
1240 Furniture, fixtures and equipment
1260 Vehicles
1280 Other
Total.
1230, 1250, 1270, 1290
Less: Accumulated depreciation
1300 Leasehold improvements
1310 Less: Accumulated amortization
1320 Deferred charges
1330 Other assets
Total assets.

LIABILITIES AND MEMBER EQUITY

Current liabilities:
2010 Notes payable—current
2020 Accounts payable
2030, 2040 Payroll taxes and benefits payable
2050 Accrued liabilities
2060 Membership applications pending
2070 Dues and assessments collected in advance
Total current liabilities.
Non-current liabilities:
2080 Deferred credits
2090 Long-term obligations
Total liabilities.
Member equity:
3010 Working funds

TOTAL LIABILITIES AND MEMBER EQUITY

GENERAL FORM OF STATEMENT OF RESULTS OF OPERATIONS

Operating revenues:
4100 Member dues and assessments
4300 Bulletin fees
4400 Tariff fees
4500 Participation fees
4600 Quotation fees
4200 Admission fees
4700 Other revenues
Total operating revenues.
Operating expenses:
5010 Salaries and wages
5020 Payroll taxes
5030 Employee benefits
5040 Professional services
5050 Depreciation
5060 Amortization
5070 Outside printing
5080 Operating supplies
5090 Postage and mailing fees
5100 Filing fees
5120 Rents
5150 Insurance
5110 Utilities and communication services
5160 Property and other taxes
5140 Uncollectible accounts
5130 Travel and entertainment
5170 Miscellaneous
Total operating expenses.

EXCESS (DEFICIT) OF OPERATING REVENUES OVER EXPENSES

Other revenues:
4180 Interest
4820 Gains on asset dispositions
4830 Extraordinary, unusual or infrequent items, and accounting changes
Other: (specify)
Total other revenues.
Other expenses:
5210 Interest
5220 Losses on asset dispositions
5230 Extraordinary, unusual or infrequent items, and accounting changes
Other (specify):
Total other expenses
Excess (deficit) of revenues over expenses.

[FR Doc.76-30067 Filed 10-18-76;8:45 am]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Parts 1 and 54]

DEPARTMENT OF LABOR

Employee Benefit Security Office

[29 CFR Part 2550]

INCOME TAXES; EXCISE TAXES; FIDUCIARY RESPONSIBILITY

Employee Stock Ownership Plans; Loans Exemption; Requirements for Taxpayers Electing 11-Percent Investment Credit; Public Hearing and Extension of Comment Period

Proposed regulations under sections 301, 4975(d)(3), 4975(e)(7) and 4975(e)(8) of the Internal Revenue Code of 1954 (the Code), and sections 407(d)(5), 407(d)(6) and 408(b)(3) of the Employee Retirement Income Security Act of 1974 (the Act), relating to employee stock ownership plans, appeared in the FEDERAL REGISTER for July 30, 1976 (41 FR 31833, 31870). Proposed regulations under section 301(d) of the Tax Reduction Act of 1975, relating to requirements for taxpayers electing an 11-percent investment credit under section 46(a)(1)(B) (now section 46(a)(2)(B)) of the Code, also appeared in the FEDERAL REGISTER for July 30, 1976 (41 FR 31828).

A public hearing on the provisions of such proposed regulations will be held on November 12, 1976, beginning at 10:00 a.m. in the Internal Revenue Service Auditorium, Seventh Floor, 7400 Corridor, Internal Revenue Service Building, 1111 Constitution Avenue, NW., Washington, D.C. 20224. Those wishing to present oral comments at the hearing may comment not only upon issues addressed by the proposed regulations, but also upon issues addressed by section 803(h) of the Tax Reform Act of 1976 (formerly section 2701 of H.R. 10612) (Pub. L. 94–455) and by the Conference Report of the Committee of Conference on H.R. 10612 (H.R. Rep. No. 94–1515, 94th Cong., 2d Sess., 539–542 (1976)), as both relate to employee stock ownership plans.

Issues addressed by section 803(h) and by the Conference Report relate to the following: (1) Current distribution of income; (2) Independent third party; (3) Put option; (4) Stock purchased with loan proceeds (including release of such stock from suspense account); (5) Allocation of stock; (6) Voting Rights; (7) Dividend restrictions; (8) Right of first refusal; (9) Treatment of sale as redemption; (10) Nonvoting common stock, etc.; (11) Prepayment penalty; (12) No calls or other options; and (13) Comparability (including integration with social security system).

With respect to the proposed regulations relating to requirements for taxpayers electing an 11-percent investment credit, certain changes effected by retro-

active amendments contained in the Tax Reform Act of 1976 (the 1976 Act) are not reflected in the proposed regulations. Compare, for example, the following provisions of the law, as amended, with the proposed regulations:

(1) Section 401(a)(21) of the Code (as added by section 803(b)(2) of the 1976 Act) with § 1.46-8(e)(3)(ii), relating to permanence;

(2) Section 301(d)(8) of the Tax Reduction Act of 1975 (as amended by section 803(c)(3) of the 1976 Act), relating to recapture and redetermination, with § 1.46-8(d)(10), relating to recapture;

(3) Section 301(d)(9)(A) of the Tax Reduction Act of 1975 (as amended by section 803(c)(4) of the 1976 Act), relating to definition of "employer securities", with § 1.46-8(b)(3), relating to definition of "employer"; and

(4) Section 301(d)(13) of the Tax Reduction Act of 1975 (as added by section 803(c)(5) of the 1976 Act) with § 1.46-8(d)(4), relating to plan expenses.

These and any other provisions of the proposed regulations, to the extent that they do not now reflect retroactive provisions of the 1976 Act relating to the 11-percent investment credit, will appear in a new notice of proposed rule making (and, to the extent necessary, temporary regulations).

In order to afford the public an opportunity to comment fully on the proposed regulations, section 803(h) of the 1976 Act, and the Conference Report cited above, the period for submitting written comments on the proposed regulations announced in the notices published on July 30, 1976, is hereby extended to November 19, 1976.

The rules of § 601.601(a)(3) of the "Statement of Procedural Rules" (26 CFR Part 601) shall apply with respect to such public hearing. Copies of these rules may be obtained by a request directed to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, or by telephoning (Washington, D.C.) 202-964-3935. Under such § 601.601(a)(3) persons who have submitted written comments or suggestions within the time prescribed in this notice and who desire to present oral comments at the hearing on such proposed regulations, should submit an outline of the comments to be presented at the hearing and the time they wish to devote to each subject by November 5, 1976. Such outlines should be submitted to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224. Under § 601.601(a)(3) each speaker will be limited to 10 minutes for an oral presentation exclusive of time consumed by questions from the panel for the Government and answers thereto.

An agenda showing the scheduling of the speakers will be made after outlines are received from the speakers. Copies of this agenda will be available free of charge at the hearing, and information with respect to its contents may be obtained on November 11, 1976, by telephoning (Washington, D.C.) 202-964-3935.

A person wishing to make oral comments at the hearing may do so without filing written comments. However, comments by such persons will be received only to the extent that time permits at the conclusion of the presentation of comments by persons listed on the agenda.

Persons making oral comments should be prepared to answer questions regarding information brought forth in their comments (including written comments, if any). The public hearing will be transcribed.

Signed at Washington, D.C., this 18th day of October, 1976.

JAMES F. DRING,
Director, Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service.

WILLIAM J. CHADWICK,
Acting Administrator, Pension and Welfare Benefit Programs, U.S. Department of Labor.

[FR Doc.76-30867 Filed 10-18-76;11:03 am]

notices

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

DEPARTMENT OF STATE

[Public Notice CM-6/113]

SHIPPING COORDINATING COMMITTEE, SUBCOMMITTEE ON SAFETY OF LIFE AT SEA

Meeting

The working group on standards of training and watchkeeping of the Subcommittee on Safety of Life at Sea, a subcommittee of the Shipping Coordinating Committee, will hold an open meeting on Wednesday, November 10, 1976, in Room 8334 of the Department of Transportation, 400 Seventh Street, SW., Washington, D.C. The meeting is at 10 a.m.

The purpose of the meeting will be to finalize the U.S. position on the agenda items for the Ninth Session of the Subcommittee on Standards of Training and Watchkeeping of the Intergovernmental Maritime Consultative Organization (IMCO), scheduled to be held in London, December 13–17, 1976. Particular agenda items of note are:

Training of seafarers in personal survival techniques.
Certificates of efficiency in survival craft.

Requests for further information on the meeting should be directed to CDR B. E. Joyce, United States Coast Guard. He may be reached by telephone on (area code 202) 426–2251.

The Chariman will entertain comments from the public as time permits.

CARL TAYLOR, Jr.,
Acting Director,
Office of Maritime Affairs.

OCTOBER 8, 1976.

[FR Doc.76-30525 Filed 10-18-76;8:45 am]

[Public Notice CM-6/112]

SHIPPING COORDINATING COMMITTEE, UNITED STATES NATIONAL COMMITTEE FOR THE PREVENTION OF MARINE POLLUTION

Meeting

The United States National Committee for the Prevention of Marine Pollution, a subcommittee of the Shipping Coordinating Committee, will hold an open meeting on Monday, November 8, 1976, in Room 8236 of the Department of Transportation, 400 Seventh Street, SW., Washington, D.C. The meeting is at 9:30 a.m.

The purpose of the meeting will be to discuss and present the U.S. position for the upcoming Sixth Session of the Marine Environment Protection Committee (MEPC) of the Intergovernmental Maritime Consultative Organization (IMCO), scheduled to be held in London November 29–December 3, 1976.

Requests for further information on the meeting should be directed to Capt. F. P. Schubert, United States Coast Guard. He may be reached by telephone on (area code 202) 426–9573.

The Chairman will entertain comments from the public as time permits.

CARL TAYLOR, Jr.,
Acting Director,
Office of Maritime Affairs.

OCTOBER 8, 1976.

[FR Doc.76-30524 Filed 10-18-76;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 631-3]

AIR AND WATER POLLUTION CONTROL

List of Violating Facilities

Pursuant to Section 306 of the Clean Air Act (42 U.S.C. 1857 et seq., as amended by Public Law 91-604), the Federal Water Pollution Control Act, (33 U.S.C. 1251 et seq., as amended by Public Law 92-500), and Executive Order 11738, EPA has been authorized to provide certain prohibitions and requirements concerning the administration of the Clean Air Act and Federal Water Pollution Control Act with respect to Federal contracts, grants, or loans. On April 16, 1975, regulations implementing the requirements of the statutes and the executive order were promulgated in the FEDERAL REGISTER (see 40 CFR Part 15, 40 F.R. 17124, April 16, 1975). Section 15.20 of the regulations provides for the establishment of a List of Violating Facilities which will reflect those facilities ineligible for use in nonexempt Federal contracts, grants or loans.

The representatives of any facility under consideration for listing are afforded the opportunity to appear at a Listing Proceeding conducted by the Director, Office of Federal Activities. Listing occurs when the Director determines there is adequate evidence of noncompliance with clean air or water standards. Federal, State, and local criminal convictions, civil adjudications, and administrative findings of noncompliance may serve as a basis for consideration of listing. However, in the case of a State or local civil adjudication or administrative finding, EPA may consider listing only at the request of the Governor.

The initial List of Violating Facilities was published in the FEDERAL REGISTER dated August 7, 1975 (see 40 F.R. 33284). A succeeding List of Violating Facilities was published on January 28, 1976 (see 41 F.R. 4064). This List of Violating Facilities is contained in two sublists. Sublist 1 includes those facilities listed on the basis of a conviction under section 113(c)(1) of the Clean Air Act or section 309(c) of the Federal Water Pollution Control Act. Sublist 2 includes those facilities listed on the basis of any injunction, order, judgment, decree or other form of civil ruling by a Federal, State or local court issued as a result of noncompliance; or a conviction in a State or local court for noncompliance; or on the basis of noncompliance with an order under section 113(a) of the Clean Air Act or section 309(a) of the Federal Water Pollution Control Act, or have been subjected to equivalent State or local proceedings to enforce clean air or water standards.

No agency in the Executive Branch of Government shall enter into, renew, or extend any nonexempt contract, subcontract, grant, subgrant, loan or subloan where a facility listed would be utilized for the purposes of any such agreement.

Pursuant to this authority, the Director, Office of Federal Activities, U.S. Environmental Protection Agency, certifies that the following facilities have been placed on the List of Violating Facilities as of October 12, 1976. The List of Violating Facilities will be revised periodocally as any listings or de-listing occur.

LIST OF VIOLATING FACILITIES

Sublist 1. No Facilities Listed.
Sublist 2. Del Monte de Puerto Rico, Inc., Mayaguez, Puerto Rico.

Dated: October 8, 1976.

REBECCA W. HANMER,
Director, Office of Federal Activities (A-104).

[FR Doc.76-30510 Filed 10-18-76;8:45 am]

[FRL 631-5]

Office of Research and Development

AMBIENT AIR MONITORING REFERENCE AND EQUIVALENT METHODS

Notice of Receipt of Application for Reference Method Determination and Minor Amendment to Previously Designated Method

Notice is hereby given that on September 3, 1976, the Environmental Protection Agency received an application from Beckman Instruments, Incorporated, to determine if its Model 950A Ambient Ozone Analyzer should be designated by the Administrator of the EPA as a reference method under 40 CFR Part 53, promulgated February 18, 1975 (40 FR 7044). If, after appropriate technical

study, the Administrator determines that this method should be so designated, notice thereof will be given in a subsequent issue of the FEDERAL REGISTER.

Notice is also given that the manufacturer's component type-number associated with designated equivalent method number EQSA-0676-010 (Philips PW9755 SO_2 Analyzer) is amended from "PW9755/00" to "PW9755/02". This change was requested by the applicant to help distinguish between the original and the designated versions of this component. Owners of components bearing the original type-number should consult the manufacturer to determine if modifications are necessary to achieve designated status.

WILSON K. TALLEY,
Assistant Administrator for Research and Development.

OCTOBER 13, 1976.

[FR Doc.76-30511 Filed 10-18-76;8:45 am]

[FRL 632-6; PP6G1769/T85]

FMC CORP.

Establishment of a Temporary Tolerance

FMC Corp., 100 Niagara St., Middleport, N.Y. 14105, has submitted a pesticide petition (PP 6G1769) to the Environmental Protection Agency (EPA). This petition requests that a temporary tolerance be established for residues of the insecticide 3-phenoxyphenyl (±) cis-trans-3-(2,2-dichloroethenyl)-2,2-dimethylcyclopropanecarboxylate in or on the raw agricultural commodity cottonseed at 0.2 part per million (ppm).

Establishment of this temporary tolerance will permit the marketing of the above raw agricultural commodity when treated in accordance with an experimental use permit that was issued on June 3, 1976 under the Federal Insecticide, Fungicide, and Rodenticide Act.

An evaluation of the scientific data reported and other relevant material has shown that the requested tolerance is adequate to cover residues resulting from the proposed experimental use, and it has been determined that the temporary tolerance will protect the public health. The temporary tolerance is established for the pesticide, therefore, with the following provisions:

1. The total amount of the pesticide to be used must not exceed the quantity authorized by the experimental use permit.

2. FMC 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 the EPA or the Food and Drug Administration.

This temporary tolerance expires June 3, 1977. Residues not in excess of 0.2 ppm remaining in or on cottonseed 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 permit and temporary tolerance. This temporary tolerance may be revoked if the experimental use permit is revoked or if any scientific data or experience with this pesticide indicates such revocation is necessary to protect the public health.

(Statutory authority: Section 408(j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(j)).)

Dated: October 8, 1976.

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

[FR Doc.76-30637 Filed 10-18-76;8:45 am]

[FRL 632-3; PF51]

PESTICIDE AND FOOD ADDITIVE PETITIONS

Filing

Pursuant to the provisions of Sections 408(d)(1) and 409(b)(5) of the Federal Food, Drug, and Cosmetic Act, the Environmental Protection Agency gives notice that the following petitions have been submitted to the Agency for consideration.

PP6F1864. Chemagro Agricultural Division, Mobay Chemical Corp., PO Box 4913, Kansas City MO 64120. Proposes that 40 CFR 180.349 be amended by establishing tolerances for combined residues of the nematocide Ethyl 3-methyl-4-(methylthio) phenyl (1-methylethyl) phosphoramidate and its cholinesterase-inhibiting metabolites in or on the raw agricultural commodities pineapples at 0.04 part per million (ppm) and pineapple foliage at 1.0 ppm. Proposed analtyical method for determining residues is a procedure involving oxidation to the sulfone with potassium permanganate. Determination is by gas chromatography using a thermionic flame ionization detector. PM21 (202/426-2456)

FAP6H5149. Chemagro Agricultural Division, Mobay Chemical Corp. Proposes that 21 CFR 561 be amended to establish a regulation permitting the use of the nematocide Ethyl 3-methyl-4-(methylthio) phenyl (1-methylethyl) phosphoramidate with a tolerance limitation of 1.0 ppm for residues of the pesticide and its cholinesterase-inhibiting metabolites in pineapple bran and cannery waste resulting from the pesticide's application to the growing crop. PM21 (202/426-2456)

PP6F1868. E. I. DuPont DeNemours & Co., Legal Dept. D7045, Wilmington DE 19898. Proposes that 40 CFR 180.253 be amended by establishing a tolerance for residues of the insecticide methomyl (*S*-methyl *N*-[(methylcarbamoyl)oxy] thioacetimidate) in or on the raw agricultural commodity pecans at 0.1 ppm. Proposed analytical method for determining residues is by using microcoulometric gas chromatography. PM12 (202/755-9315)

PP6F1861. Monsanto Agricultural Products Co., 800 N. Lindbergh Blvd., St. Louis MO 63166. Proposes that 40 CFR 180.364 be amended by establishing a tolerance for combined residues of the herbicide glyphosate (N-phosphoromethylglycine) and its metabolite aminomethylphosphonic acid in or on the raw agricultural commodity group pome fruits (apples, pears, quinces and crabapples) at 0.2 ppm. The proposed analytical method for determining residues is a gas-liquid chromatography procedure using a phopsphorous specific flame photometric detector. PM25 (202/426-2632)

Interested persons are invited to submit written comments on any petitions referred to in this notice to the FEDERAL REGISTER Section, Technical Services Division (WH-569), Office of Pesticide Programs, Room 401, East Tower, 401 M St. SW., Washington, D.C. 20460. Three copies of the comments should be submitted to facilitate the work of the Agency and of others interested in inspecting them. Inquiries concerning specific petitions referred to in this notice may be directed to the designated Product Manager (PM), Registration Division (WH-567), Office of Pesticide Programs, at the above address, or by telephone at the numbers cited. Written comments should bear a notation indicating the number of the petition to which the comments pertain. Comments may be made at any time while a petition is pending before the Agency. All written comments filed pursuant to this notice will be available for public inspection in the office of the FEDERAL REGISTER Section 8:30 a.m. to 4:00 p.m. Monday through Friday.

Dated: October 8, 1976.

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

[FR Doc.76-30636 Filed 10-18-76;8:45 am]

[FRL 630-5]

PESTICIDE PRODUCTS

Determination of Claims for Compensation Filed Against Applications for Registration

By FEDERAL REGISTER notice, 38 FR 31862, the Administrator on November 19, 1973 made effective that portion of Section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended, 7 U.S.C. 136 et seq., relating to the procedure for filing claims by one applicant for pesticide registration against a second applicant who may be relying upon data owned by the first applicant in support of the second applicant's registration application. On November 28, 1975, Section 3(c)(1)(D) was amended by Public Law 94-140, 89 Stat. 751, which amendments required modifications in the Agency's registration policy as explained in the FEDERAL REGISTER notice of January 22, 1976, 41 FR 3339. Like the notice of November 19, 1973, the FEDERAL REGISTER notice of January 22, 1976 related solely to procedures for the filing of claims, not to the determination of claims by the Administrator once they were received by the Agency. The Administrator hereby gives notice that he is making effective that portion of Section 3(c)(1)(D) relating to the determination of claims, including that portion of the Section which reads as follows:

If the parties cannot agree on the amount and method of payment, the Administrator shall make such determination and may fix such other terms and conditions as may be reasonable under the circumstances. The Administrator's determination shall be made on the record after notice and opportunity for hearing. If either party does not agree with said determination, he may, within thirty days, take an appeal to the Federal district court for the district in which he resides with respect to either the amount of the payment or the terms of payment, or both.

Registration shall not be delayed pending the determination of reasonable compensation between the applicants, by the Administrator or by the court.

The Administrator recognizes that issuance of formal procedural regulations for the determination of claims under Section 3(c)(1)(D) must comply with the requirements of Public Law 94-140, the 1975 amendments to FIFRA. However, the Administrator does not wish to delay commencement of determination of claims until formal procedural regulations for claim determination are issued. Section 3(c)(1)(D) was initially enacted on October 21, 1972, and became partially effective on November 19, 1973. It is the Administrator's intention that determination of claims no longer be delayed. It is the Administrator's belief that the Agency can legally, and in orderly fashion, begin the determination of claims for compensation in the absence of formal procedural regulations if procedural rules are adopted on a case-by-case basis by the Chief Administrative Law Judge or his designee. Accordingly, the Administrator hereby authorizes the Chief Administrative Law Judge, or the Administrative Law Judge designated by him, to hold hearings and to issue Initial Decisions as to claims under Section 3(c)(1)(D) in any case where the Agency has issued the pesticide registration against which a claim for compensation has been filed. The Chief Administrative Law Judge or his designee in the case assigned to him shall issue procedural rules for the conduct of the hearing and matters related thereto. Such rules, to the extent as may be appropriate, shall conform to the Rules of Practice for the conduct of proceedings which have been issued under other provisions of FIFRA, including those rules concerning interlocutory appeals.

Within sixty days after the publication of this notice, or within sixty days after the issuance of a registration against which a claim has been received, whichever is later, the Director of the Agency's Registration Division shall certify and forward a file to the Chief Administrative Law Judge for each issued registration against which a claim for compensation was received. In the event that (1) the claim has been withdrawn or (2) the claim has been settled by the parties, no file shall be prepared, certified or forwarded. Each file which is forwarded shall include a copy of the application, including the proposed label but excluding the confidential formula and supporting data. The file shall also include copies of all correspondence by or between the applicant, claimant, and the Agency concerning the claim and a copy of the registration and approved label as issued by the Agency. The applicant and claimant may supplement the file with the permission of the Administrative Law Judge to include any relevant papers not certified by the Director to the Chief Administrative Law Judge. The Administrative Law Judge may also at his discretion direct the Registration Division to supplement the file with any additional information, including the confidential formula and/or other supporting data contained in the registration file, which the Administrative Law Judge deems to be relevant. The Administrative Law Judge may order protective measures to safeguard and restrict access to information entitled to confidential treatment under Section 10 of FIFRA.

The file shall be docketed and the Chief Administrative Law Judge, or his designee, shall advise the applicant and claimant that the Agency will determine the amount of reasonable compensation due to the claimant. In each case the Chief Administrative Law Judge, or his designee, shall adopt such procedural rules as the presiding officer considers necessary for the orderly adjudication of the claim for compensation. Either party may appeal to the Administrator any procedural rule or other ruling, including the Initial Decision, issued by the Chief Administrative Law Judge, or his designee. Such appeals may be made subsequent to the issuance of the Initial Decision or by interlocutory appeal prior to the issuance of the Initial Decision as provided in the procedural rules issued by the presiding officer for the particular case.

Dated: October 13, 1976.

JOHN QUARLES,
Acting Administrator.

[FR Doc.76-30638 Filed 10-18-76;8:45 am]

[OPP-33000/470; FRL 632-4]

PESTICIDE REGISTRATION APPLICATION

Receipt

On November 19, 1973, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (39 FR 31862) its interim policy with respect to the administration of Section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended ["Interim Policy Statement"]. On January 22, 1976, EPA published in the FEDERAL REGISTER a document entitled "Registration of a Pesticide Product—Consideration of Data by the Administrator in Support of an Application" (41 FR 3339). This document described the changes in the Agency's procedures for implementing Section 3(c)(1)(D) of FIFRA, as set out in the Interim Policy Statement, which were effectuated by the enactment of the recent amendments to FIFRA on November 28, 1975 [Pub. L. 94-140], and the new regulations governing the registration and re-registration of pesticides which became effective on August 4, 1975 (40 CFR Part 162).

Pursuant to the procedures set forth in these FEDERAL REGISTER documents, EPA hereby gives notice of the applications for pesticide registration listed below. In some cases these applications have recently been received; in other cases, applications have been amended by the submission of additional supporting data, the election of a new method of support, or the submission of new "offer to pay" statements.

In the case of all applications, the labeling furnished by the applicant for the product will be available for inspection at the Environmental Protection Agency, Room 209, East Tower, 401 M Street, S.W., Washington DC 20460. In the case of applications subject to the new Section 3 regulations, and applications not subject to the new Section 3 regulations which utilize either the 2(a) or 2(b) method of support specified in the Interim Policy Statement, all data citations submitted or referenced by the applicant in support of the application will be made available for inspection at the above address. This information (proposed labeling and, where applicable, data citations) will also be supplied by mail, upon request. However, such a request should be made only when circumstances make it inconvenient for the inspection to be made at the Agency offices.

Any person who (a) is or has been an applicant, (b) believes that data he developed and submitted to EPA on or after January 1, 1970, is being used to support an application described in this notice, (c) desires to assert a claim under Section 3(c)(1)(D) for such use of his data, and (d) wishes to preserve his right to have the Administrator determine the amount of reasonable compensation to which he is entitled for such use of the data or the status of such data under Section 10 must notify the Administrator and the applicant named in the notice in the FEDERAL REGISTER of his claim by certified mail. Notification to the Administrator should be addressed to the Product Control Branch, Registration Division (WH-567), Office of Pesticide Programs, Environmental Protection Agency, 401 M St. SW., Washington, D.C. 20460. Every such claimant must include, at a minimum, the information listed in the Interim Policy Statement of November 19, 1973.

Specific questions concerning applications made to the Agency should be addressed to the designated Product Manager (PM), Registration Division (WH-567), Office of Pesticide Programs, at the above address, or by telephone as follows:

PM 11, 12, & 13—202/755—931
PM 21 & 22—202/426-2454
PM 24—202/755-2196
PM 31—202/426-2635
PM 33—202/755-9041
PM 15, 16, & 17—202/426-9425
PM 23—202/755-1397
PM 25—202/426-2632
PM 32—202/426-9486
PM 34—202/426-9490

The Interim Policy Statement requires that claims for compensation be filed within 60 days of publication of this notice (December 20, 1976). With the exception of 2(c) applications not subject to the new Section 3 regulations, and for which a sixth-day hold period for claims is provided, EPA will not delay any registration pending the assertion of claims for compensation or the determination of reasonable compensation. Inquiries and assertions that data relied upon are subject to protection under Section 10

of FIFRA, as amended, should be made on or before November 18, 1976.

Dated: October 8, 1976.

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

APPLICATIONS RECEIVED (OPP—33000/470)

EPA Reg. No. 10226-1. Rockwood Chemical Co., PO Box 34, Brawley CA 92227. MALATHION-SULFUR DUST 5-50. Active Ingredients: Malathion: (0,0-dimethyl dithiophosphate of diethyl mercaptosuccinate) 5%; Sulfur 50%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM16

EPA File Symbol 10485-GR. United Chemical Corp., PO Box 1499. Hobbs NM 88240. ALPHA 523. Active Ingredients: 1-Hydroxyethyl-1-Benzyl-2-Alkyl (As in fatty acids derived from coconut oil) Imidazo-linium Chloride 25%; Isopropyl Alcohol 25%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Revised offer to pay statement submitted. PM31

EPA File Symbol 10307-AN. Aero Mist, Inc., 990 Industrial Park Dr., Marietta GA 30062. AERO CHEM COOLING TOWER BIOCIDE, Active Ingredients: Alkyl (C12 61%, C14 23%, C16 11%, C8 and C10 2.5%, C18 2.5%) dimethyl benzyl ammonium chloride 9.0%; Tributyltin neodecanoate 5.0%; Alkyl (C14 58%, C16 28%, C12 14%) dimethyl benzyl ammonium chloride 4.5%; Alkyl (C14 90%, C16 5%, C12 5%) dimethyl ethyl ammonium bromide 1.5%. Method of Support: Application proceeds under 2(b) of interim policy. PM33

EPA Reg. No. 10873-17. Tifton Chemical Co., PO Box 5, Tifton GA 31794. TIFCHEM 25% WETTABLE MALATHION. Active Ingredients: Malathion 25%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM16

EPA Reg. No. 11715-18. Speer Products, Inc., PO Box 9383, Memphis TN 38109. SPEER PYRENONE DAIRY AEROSOL. Active Ingredients: Pyrethrins 0.5%; Piperonyl Butoxide, Technical 5.0%; Petroleum Distillate 2.0%. Method of Support: Application proceeds under 2(a) of interim policy. Republished: Amended. PM17

EPA Reg. No. 11741-11. D. W. Davies & Co., 3200 Phillips Ave., Racine WI 53403. DAVIES "POOL-KHLOR". Active Ingredients: Sodium Hypochlorite 12.50%. Method of Support: Application proceeds under 2 (c) of interim policy. PM34

EPA Reg. No. 11849-18. Silak Co., Box 173, Hospers, IA 51238. MALATHION GRAIN COATING. Active Ingredients: Malathion 2%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM16

EPA Reg. No. 14651-19. Agricultural Enterprises, Inc., 650 Factory St., Fremont NB 68025. INSECT-DUST HOG AND CATTLE DUSTING POWDER. Active Ingredients: Malathion 4%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM16

EPA File Symbol 34632-R. Supreme Chemicals, 989 Landess Ave., Milpitas CA 95035. DESERT BRAND. Active Ingredients: Sodium Hypochlorite 12.5%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 35506-R. Little Chemical Co., 4444 NE 14th, Portland OR 97230. LITTLE WONDER SODIUM HYPOCHLORITE SOLUTION. Active Ingredients: Sodium Hypochlorite 12.5%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 36919-E. Union Pool Marts, 2154 Eureka Rd., Wyandotte MI 48192. LIQUID "KLEAR-KLEAN" SANITIZER. Active Ingredients: Sodium Hypochlorite 12.5%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 36999-GN. B&M International, PO Box 1116, Thibodaux LA 70301. B&M CWT-800. Active Ingredients: Alkyl (C12 61%, C14 23%, C16 11%, C8 & C10 2.5%, C18 2.5%) dimethyl benzyl ammonium chloride 9.0%; Tributyltin neodecanoate 5.0%; Alkyl (C14 58%, C16 28%, C12 14%) dimethyl benzyl ammonium chloride 4.5%; Alkyl (C14 90%, C16 5%, C12 5%) dimethyl ethyl ammonium bromide 1.5%. Method of Support: Application proceeds under 2(b) of interim policy. PM33

EPA File Symbol 37609-R. Wonder Products, Mill St., Ashland NH 03217. WONDER PRODUCTS. Active Ingredients: Sodium Hypochlorite 12.5%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 39245-L. BoiSol Corp., 1301 W. 22nd St., Suite 415, Oak Brook IL 60521. BIOSOL 618. Active Ingredients: Diisobutylphenoxyethoxyethyl dimethyl benzyl ammonium chloride monohydrate 12.28%; Isopropanol 4.68%; Tri-n-butyltin benzoate 1.65%. Method of Support: Application proceeds under 2(b) of interim policy. PM33

EPA File Symbol 39245-0. BioSol Corp. BIOSOL 614. Active Ingredients: Diisobutylphenoxyethoxyethyl dimethyl benzyl ammonium chloride monhoydrate 6.14%; Isopropanol 2.34%; Tri-n-butyltin benzoate 0.83%. Method of Support: Application proceeds under 2(b) of interim policy. PM33

EPA File Symbol 39245-RN. BioSol Corp. BIOSOL 616. Active Ingredients: Diisobutylphenoxyethoxyethyl dimethyl benzyl ammonium chloride monohydrate 24.57%; Isopropanol 9.37%; Tri-n-butyltin benzoate 3.31%. Method of Support: Application proceeds under 2(b) of interim policy. PM33

EPA File Symbol 39476-R. Astro Pool Co., 1542 Lexington Ave., Mansfield OH 44907. ASTRO-KLEER. Active Ingredients: Sodium Hypochlorite 12.5%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 39477-R. Economy Pool Suppliers, 401 E. Venice Ave., Venice FL 33595. SWIMING POOL SANITIZER. Active Ingredients: Sodium Hypochlorite 9.2%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 39478-R. Family Pool Service, 141 Harbor Blvd., NE, Port Charlotte FL 33950. POOL SANITIZER. Active Ingredients: Sodium Hyprochlorite 9.2%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

[FR Doc.76-30640 Filed 10-18-76;8:45 am]

[OPP-33000/469; FRL 632-S]

PESTICIDE REGISTRATION APPLICATIONS

Receipt

On November 19, 1973, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (39 FR 31862) its interim policy with respect to the administration of Section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended ("Interim Policy Statement"). On January 22, 1976, EPA published in the FEDERAL REGISTER a document entitled "Registration of a Pesticide Product—Consideration of Data by the Administrator in Support of an Application" (41 FR 3339). This document described the changes in the Agency's procedures for implementing Section 3(c)(1)(D) of FIFRA, as set out in the Interim Policy Statement, which were effectuated by the enactment of the recent amendments to FIFRA on November 28, 1975 (P.L. 94-140), and the new regulations governing the registration and re-registration of pesticides which became effective on August 4, 1975 (40 CFR Part 162).

Pursuant to the procedures set forth in these FEDERAL REGISTER documents, EPA hereby gives notice of the applications for pesticide registration listed below. In some cases these applications have recently been received; in other cases, applications have been amended by the submission of additional supporting data, the election of a new method of support, or the submission of new "offer to pay" statements.

In the case of all applications, the labeling furnished by the applicant for the product will be available for inspection at the Environmental Protection Agency, Room 209, East Tower, 401 M Street, SW., Washington, D.C. 20460. In the case of applications subject to the new Section 3 regulations, and applications not subject to the new Section 3 regulations which utilize either the 2(a) or 2(b) method of support specified in the Interim Policy Statement, all data citations submitted or referenced by the applicant in support of the application will be made available for inspection at the above address. This information (proposed labeling and, where applicable, data citations) will also be supplied by mail, upon request. However, such a request should be made only when circumstances make it inconvenient for the inspection to be made at the Agency offices.

Any person who (a) is or has been an applicant, (b) believes that data he developed and submitted to EPA on or after January 1, 1970, is being used to support an application described in this notice, (c) desires to assert a claim under Section 3(c)(1)(D) for such use of his data, and (d) wishes to preserve his right to have the Administrator determine the amount of reasonable compensation to which he is entitled for such use of the data or the status of such data under Section 10 must notify the Administrator and the applicant named in the notice in the FEDERAL REGISTER of his claim by certified mail. Notification to the Administrator should be addressed to the Product Control Branch, Registration Division (WH-567), Office of Pesticide Programs, Environmental Protection Agency, 401 M St. SW., Washington, D.C. 20460. Every such claimant must include, at a minimum, the information listed in the Interim Policy Statement of November 19, 1973.

Specific questions concerning applications made to the Agency should be addressed to the designated Product Manager (PM), Registration Division (WH-567), Office of Pesticide Programs, at the above address, or by telephone as follows:

PM 11, 12 and 13—202/755-9315
PM 21 and 22—202/426-2454
PM 24—202/755-2196
PM 31—202/426-2635
PM 33—202/755-9041
PM 15, 16 and 17—202/426-9425
PM 23—202/755-1397
PM 25—202/426-2632
PM 32—202/426-9486
PM 34—202/426-9490

The Interim Policy Statement requires that claims for compensation be filed within 60 days of publication of this notice (December 20, 1976). With the exception of 2(c) applications not subject to the new Section 3 regulations, and for which a sixty-day hold period for claims is provided, EPA will not delay any registration pending the assertion of claims for compensation or the determination of reasonable compensation. Inquiries and assertions that data relied upon are subject to protection under Section 10 of FIFRA, as amended, should be made on or before November 18, 1976.

Dated: October 8, 1976.

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

APPLICATIONS RECEIVED (OPP—33000/469)

EPA Reg. No. 1202-168. Puregro Co., 1052 W. 6th St., Los Angeles CA 90017. PUREGRO MALATHION 5 DUST. Active Ingredients: Malathion (O,O-dimethyl dithiophosphate of diethyl mercaptosuccinate) 5.0%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM16

EPA Reg. No. 1258-411. Olin Corp., 120 Long Ridge Rd., Stamford CT 06904. MCP-4 AMINE WEED KILLER. Active Ingredients: Dimethylamine salt of 2-methyl-4-chlorophenoxyacetic acid 52%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA Reg. No. 1348-72. Selco Supply Co., Collins Ave. & RR., Eaton CO 80615. SELCO MALATHION 5% DUST. Active Ingredients: Malathion 5.00%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM16

EPA Reg. No. 1348-89. Selco Supply Co. SELCO MALATHION 25% WETTABLE POWDER. Active Ingredients: Malathion (O,O-dimethyl dithiophosphate of diethyl mercaptosuccinate) 25.0%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM16

EPA Reg. No. 1386-210. Universal Cooperative, Inc., 111 Glamorgan St., Alliance OH 44601. UNICO MALATHION GRAIN PROTECTANT DUST. Active Ingredients: Malathion 1%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration.

EPA File Symbol 1457-AE. Hexcel/Fine Organics, 205 Main St., Lodi NJ 07644. HQ-6425. Active Ingredients: Alkyl (C12 67%, C14 30%, C12+C18 3%) trimethyl ammonium bromide 25.0%. Method of Support: Application proceeds under 2(a) of interim policy. PM31

EPA Reg. No. 1685-61. The State Chemical Mfg. Co., 3100 Hamilton Ave., Cleveland OH 44114. STATEBRAND FORMULA 265 WEED-AWAY SELECTIVE WEED KILLER. Active Ingredients: Dimethylamine Salt of 2-Methy-4-Chlorophenoxyacetic Acid 14.25%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23

EPA Reg. No. 1791-28. North Coast Chemical Co., Inc., Seattle WA 98108. RINSOL SANITIZER. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 5%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 5%; Ethyl Alcohol 2.5%. Method of Support: Application proceeds under 2(c) of interim policy. PM31

EPA Reg. No. 1990-153. Farmland Industries, Inc., PO Box 7305, Kansas City MO 64116. CO-OP DRY INSECTICIDE. Active Ingredients: Malathion 4.00%; Sulphur 17.50%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM16

EPA Reg. No. 2169-130. Patterson Chemical Co., Div. Curry-Cartwright, Inc., 1400 Union Ave., Kansas City MO 64101. PATTERSON'S GREEN-UP 5% MALATHION DUST. Active Ingredients: Malathion 5.0%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM16

EPA Reg. No. 2269-169. Gold Kist, Inc., PO Box 2210, Atlanta GA 30301. ONE SHOT 5% MALATHION DUST. Active Ingredients: Malathion (O,O-dimethyl dithiophosphate of diethyl mercaptosuccinate) 5.0%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM16

EPA Reg. No. 2269-165. Gold Kist, Inc. GOLD KIST MALATHION GRAIN PROTECTANT DUST. Active Ingredients: Malathion (O,O-dimethyl dithiophosphate of diethyl mercaptosuccinate) 1 %. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM16

EPA Reg. No. 2290-30. The Terre Co., PO Box 421, Saddle Brook NJ 07662. TERRE WEED GUARD. Active Ingredients: Dimethyl Tetrachloroterephthalate 5%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM23.

EPA Reg. No. 2393-264. Hopkins Agricultural Chemical Co., Box 584, Madison WI 53701. HOPKINS MALATHION 25% WP. Active Ingredients: Malathion 25%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM16

EPA Reg. No. 2393-271. Hopkins Agricultural Chemical Co. HOPKINS 5% MALATHION DUST. Active Ingredients: Malathion 25%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM16

EPA Reg. No. 3468-49. Shell Chemical, Inc., Box 862, Monte Vista and Delta CO 81144. CYTHION—SULFUR WITH ZINC CARRIER. Active Ingredients: Malathion—O,O-dimethyl dithiophosphate of diethyl mercaptosuccinate 5.0%; Sulfur 27.9%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM16

EPA Reg. No. 3770-171. Economy Products Co., Inc., PO Box 427, Shenandoah IA 51601. MALATHION 5% DUST. Active Ingredients: Malathion 5%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM16

EPA Reg. No. 3770-215. Economy Products Co., Inc. MALACIDE DRY INSECTICIDE. Active Ingredients: Malathion 5%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM16.

EPA Reg. No. 3770-277. Economy Products Co., Inc. 4% MALATHION POWDER. Active Ingredients: Malathion 4%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM16

EPA Reg. No. 4931-49. Good-Life Chemical, Inc., Good-Life Dr., PO Box 687, Effingham IL 62401. CAPTAN-MALATHION FUNGICIDE-INSECTICIDE DUST. Active Ingredients: Captan (N-trichloromethylthio-4-cyclohexene-1,2-dicarboximide) 7.50%; Malathion (0,0-dimethyl dithiophosphate of diethyl mercaptosuccinate 5.00%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM16

EPA Reg. No. 4931-65. Good-Life Chemicals, Inc. 4% MALATHION DUST. Active Ingredients: Malathion (0,0-Dimethyl Dithiophosphate of Diethyl mercaptosuccinate) 4.00%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM16

EPA Reg. No. 4931-66. Good-Life Chemicals, Inc. 1% MALATHION PREMIUM GRADE GRAIN PROTECTANT DUST. Active Ingredients: Malathion 1.00%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM16

EPA Reg. No. 5298-17. Old Fox Chemical, Inc., 99 Valley St., East Providence RI 02914. LAWN FUNGICIDE 2.5 G. Active Ingredients: Chlorothalonil (tetrachloroisophthalonitrile) 2.5%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM21

EPA File Symbol 5481-ROE. Amvac Chemical Corp., 4100 E. Washington Blvd., Los Angeles CA 90023. KERB GRANULES 2. Active Ingredients: 3,5-dichloro-N-(1,1-dimethyl-2-propomyl) Benzamide 2%. Method of Support: Application proceeds under 2(b) of interim policy. PM25

EPA File Symbol 5481-ROG. Amvac Chemical Corp., KERB GRANULES 3. Active Ingredients: 3,5-dichloro-N-(1,1-dimethyl-2-propomyl) Benzamide 3%. Method of Support: Application proceeds under 2(b) of interim policy. PM25

EPA Reg. No. 5535-40. J & L Adikes, Inc., 182-12 93rd Ave., Jamaica NY 11423. GROWELL FERBAM. Active Ingredients: Ferbam (Ferric Dimethyl Dithiocarbamate) 76.00%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM21

EPA Reg. No. 5549-43. Coastal Chemical Corp., Box 836, Greenville NC 27834. 4% MALATHION DUST. Active Ingredients: Malathion 4%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM16

EPA Reg. No. 5905-1. Helena Chemical Co., Clark Tower, 5100 Poplar Ave., Memphis TN 38137. HELENA BRAND 10-0 DUST (CONTAINS 10% CYTHION). Active Ingredients: Malathion (0,0-dimethyl dithiophosphate of diethyl mercaptosuccinate) 10.0%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM16

EPA Reg. No. 5905-305. Helena Chemical Co. HELENA MALATHION 5 DUST AN AGRICULTURAL INSECTICIDE AND MITICIDE. Active Ingredients: Malathion (0,0-dimethyl dithiophosphate of diethyl mercaptosuccinate 5.0%. Method of support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM16

EPA Reg. No. 5905-433. Helena Chemical Co. HELENA 5% CYTHION DUST. Active Ingredients: Malathion (0,0-dimethyl dithiophosphate of diethyl mercaptosuccinate) 5.0%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM16

EPA Reg. No. 5905-435. Helena Chemical Co. HELENA 10% CYTHION DUST. Active Ingredients: Malathion (0,0-dimethyl dithiophosphate of diethyl mercaptosuccinate)

10.0%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM16

EPA Reg. No. 6023-1. Stoker Co., PO Box 2010, El Centro CA 92243. STOKER MALATHION DUST No. 5. Active Ingredients: Malathion (0,0-dimethyl dithiophosphate of diethyl mercaptosuccinate) 5%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM16

EPA Reg. No. 6720-159. Southern Mill Creek Products Co., Inc., PO Box 1096, Tampa FL 33601. SMCP 5% MALATHION DUST. Active Ingredients: Malathion (0,0-dimethyl dithiophosphate of diethyl mercaptosuccinate) 5.0%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM16

EPA Reg. No. 6720-162. Southern Mill Creek Products Co., Inc. MALATHION 25 WP AN AGRICULTURAL INSECTICIDE IN WETTABLE POWDER. Active Ingredients: Malathion (0,0-dimethyl dithiophosphate of diethyl mercaptosuccinate) 25.0%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM16

EPA Reg. No. 6720-163. Southern Mill Creek Products Co., Inc. SMCP 5% MALATHION PCO DUST. Active Ingredients: Malathion (0,0-dimethyl dithiophosphate of diethyl mercaptosuccinate) 5.0%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM16

EPA File Symbol 6962-LN. Madison-Bionics, 11250 W. Addison St., Franklin Park IL 60131. TOUCH-UP. Active Ingredients: 2-phenylphenol 0.20%; 2,4,4'-trichloro-2'-hydroxydiphenylether 0.10%. Method of Support: Application proceeds under 2(a) of interim policy. PM33

EPA Reg. No. 7455-18. International Multifoods, 1200 Multifoods Bldg., Minneapolis MN 55402. SUPERSWEET DRY INSECTICIDE II. Active Ingredients: Malathion 4.00%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM16

EPA Reg. No. 8434-2. Dotson & Sons, Box 173, Brawley CA 92227. DOT-SONBRAND 4% MALATHION DUST. Active Ingredients: Malathion (0,0-dimethyl dithiophosphate of diethyl mercaptosuccinate) 4%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM16

EPA Reg. No. 9518-6. Tower Chemical Co., Montverde Rd. and S.C.L. Railroad, PO Box 585, Clermont FL 32711. MALATHION 25-W. Active Ingredients: Malathion 25.0%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM16

EPA Reg. No. 10163-61. Gowan Co., PO Box 5696, Yuma AR 85365. PROKIL MALATHION 25-WP. Active Ingredients: Malathion (0,0-dimethyl dithiophosphate of diethyl mercaptosuccinate) 25%. Method of Support: Application proceeds under 2(b) of interim policy. Application for reregistration. PM16

[FR Doc.76-30639 Filed 10-18-76;8:45 am]

[OPP—30000/6 (FRL 630-8)]

PESTICIDE PROGRAMS

Rebuttable Presumption Against Registration and Continued Registration of Pesticide Products Containing Benzene Hexachloride (BHC)

The Deputy Assistant Administrator, Office of Pesticide Programs, Environmental Protection Agency (EPA), has determined that a rebuttable presumption exists against registration and continued registration of all pesticide products containing benzene hexachloride (BHC).[1]

I. Regulatory Provisions

A. *General.* EPA promulgated regulations (40 CFR 162) for the registration, reregistration, and classification of pesticides on July 3, 1975 (40 FR 28242). § 162.11 of the regulations provides that a rebuttable presumption against registration shall arise if it is determined that a pesticide meets or exceeds any of the criteria for risk set forth in § 162.11(a)(3). If it is determined that such a presumption against continued registration of a pesticide has arisen, the regulations require that the registrant be notified by certified mail and that the registrant be provided with an opportunity to submit evidence in rebuttal of the presumption. In addition, the Agency has determined that the public should be provided with notice of the presumption in order to solicit comments from interested parties and obtain any additional information relevant to the presumption.

A notice of rebuttable presumption against registration or continued registration of a pesticide is not to be confused with a notice of intent to cancel the registration of a pesticide, and may or may not lead to cancellation. The notice of rebuttable presumption is issued when the evidence related to risk meets the Agency's criteria. The notice of intent to cancel is issued only after the risks and benefits of a pesticide are carefully considered and it is determined that the pesticide may generally cause unreasonable adverse effects to the environment.

Accordingly, all registrants and applicants for registration are invited pursuant to 40 CFR 162.11(a)(4) to submit evidence in rebuttal of the presumptions listed in Part II and, in the case of oncogenicity, to submit information which relates to the assessment of oncogenic risks as set forth in the Interim Procedures and Guidelines for Health Risk and Economic Impact Assessment of Suspected Carcinogens, (May 25, 1976; 41 FR 21402). Registrants and other interested parties may submit data on benefits which they believe would justify registration or continued registration in the event that the Agency determines that the risk presumptions have not been completely rebutted. In addition, any registrant may petition the Agency to voluntarily cancel any current registration pursuant to section 6(a)(1) of FIFRA.

On September 1, 1976, the Hooker Chemical and Plastics Corp. of Niagara Falls, New York, the principal domestic producer of BHC, requested voluntary cancellation of its BHC registrations pursuant to section 6(a)(1) of FIFRA. A notice of voluntary cancellation is being published simultaneously with this notice.

B. *Rebuttal criteria.* Section 162.11(a)(4) provides that a registrant seeking continued registration may rebut the presumption by sustaining the burden of proving:

(1) In the case of a pesticide presumed against pursuant to the acute toxicity criteria of § 162.11(a)(3)(i) or pursuant to the lack of emergency treatment criteria of § 162.11(a)(3)(iii), "that when considered with the formulation, packaging, method of use, and proposed restrictions on and directions for use and widespread and commonly recognized practices of use, the anticipated exposure to an applicator or user and to local, regional or national populations of nontarget organisms is not likely to result in any significant acute adverse effects";

(2) In the case of a pesticide presumed against pursuant to the chronic toxicity criteria of § 162.11(a)(3)(ii), "that when considered with proposed restrictions on use and widespread and commonly recognized practices of use, the pesticide will not concentrate, persist or accrue to levels in man or the environment likely to result in any significant chronic adverse effects"; or

(3) In either case, that "the determination by the Agency that the pesticide meets or exceeds any of the criteria for risk was in error."

C. *Benefits information.* In addition to submitting evidence to rebut the presumption of risk, § 162.11(a)(5)(iii) provides that a registrant "may submit evidence as to whether the economic, social and environmental benefits of the use of the pesticide subject to the presumption outweigh the risk of use." If the risk presumptions are not rebutted, the benefit evidence submitted by the registrant[2] and any preliminary EPA staff recommendations may be considered by the Administrator in determining the appropriate regulatory action.

---

[1] Products containing only gamma-BHC (Lindane) are not the subject of this Notice. Those products are being examined separately and a decision as to a rebuttable presumption is expected soon.

[2] Registrants or other interested persons who desire to submit benefit information should consider submitting information on the following subjects, along with any other relevant information they desire to submit:

1. Identification of the major uses of the pesticide, including estimated quantities used by crop or other application.

2. 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 user 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.

Specifically, § 162.11(a)(5)(iii) provides that if the "benefits appear to outweigh risks," the Administrator may issue a notice of intent to hold a hearing pursuant to § 6(b)(2) of FIFRA rather than a notice of intent to cancel or deny registration pursuant to § 6(b)(1) of FIFRA. Alternatively, if the "benefits do not appear to outweigh the risks, the Administrator shall issue a notice pursuant to § 3(c)(6) or § 6(b)(1) of the Act, as appropriate." Moreover, if at any time the Administrator determines that a pesticide poses an "imminent hazard" to humans or the environment, a notice of suspension may be issued pursuant to section 6(c) of the Act.

II. Presumptions

Pesticide products containing benzene hexachloride (BHC) meet or exceed the following risk criteria set forth in 40 CFR 162.11(a)(3).

A. *Chronic Toxicity*—(1) *Oncogenic Effects in Test Animals*

40 CFR 162.11(a)(3)(ii)(A) provides, "[a] rebuttable presumption shall arise if a pesticide's ingredient(s) * * * [i]nduces oncogenic effects in experimental mammalian species or in man as a result of oral, inhalation or dermal exposure * * *." As a further clarification of this provision, the preamble to the Interim Guidelines states that "a substance will be considered a presumptive cancer risk when it causes a statistically significant excess incidence of bengin or malignant tumors in humans or animals." It should be emphasized that at the time of issuing this notice of rebuttable presumption, the Agency has not formulated a complete assessment of the carcinogenic risks associated with the use of BHC. The primary function of this notice is to solicit information which refutes the evidence, adds to the evidence, or otherwise contributes to the Agency's assessment of risks.

At the time of issuing this notice, the Agency is aware of several feeding studies involving BHC and various isomers of BHC.[3] The studies indicate that BHC and several of its isomers induce statistically significant oncogenic effects in both mice and rats given oral doses of these compounds. Specifically, BHC and its alpha, beta, or gamma isomers are oncogenic to seven different strains of mice,[4] although the degree of susceptibility to tumor induction has been observed to differ among the various strains. The feeding studies have also revealed a higher susceptibility in males than in females. On the basis of several of these studies, the International Agency for Research on Cancer (IARC) of the World Health Organization (WHO) has concluded that "[t]echnical BHC, its pure alpha, beta, and gamma isomers and the mixture of delta plus epsilon isomers are carcinogenic in mice, producing liver-cell tumors following oral administration." (IARC/WHO (1974) Some Organochlorine Pesticides, IARC Monographs on the Evaluation of Carcinogenic Risk of Chemicals to Man, vol. 5, p. 63). In addition to studies with BHC or isomers of BHC other studies show that when combined with polychlorinated biphenyls (PCBs) and fed to mice, both alpha- and beta-BHC induce more tumors than they do when administered alone.

Evidence regarding the oncogenic effects of BHC in rats is not as extensive as the evidence on effects in mice. In one short-term study, the alpha isomer of BHC induced oncogenic effects in male rats given oral doses. Other available studies on rats were considered "inadequate" by the IARC "either because survival rates were low, the information reported was insufficient or because the doses given were too low". (Ibid p. 64). However, the Agency is awaiting the final results of a lifetime study on mice and rats fed gamma-BHC which was conducted by the National Cancer Institute.

A brief summary of the studies that indicate oncogenic effects is given below, together with other studies which were negative or inconclusive.

(a) *Mouse Studies with Technical BHC.* In 1971, Nagasaki, et al., established that 660 ppm BHC administered in the diet for 24 weeks induced carcinomas and hyperplastic nodules in the livers of male strain dd mice (Nagasaki, et al: Experimental Studies on Chronic Toxicity of Benezene Hexachloride (BHC). J. Nara. Med. Assoc. 24:1-26, 1973). Three groups, each consisting of 20 male mice, were fed diets containing 660,[5] 66, or 6.6 ppm BHC. Fourteen male mice were used as controls. Hepatomas were induced in 100% (20/20) of the group fed 660 ppm. The results were statistically significant at $p<10^{-12}$. The hepatomas observed were described as histologically similar to hepatomas induced by the following chemical carcinogens: o-aminoazotoluene, 4-dimethylaminoazobenzene, N-nitrosodimethylamine, and N-nitrosopiperidine. No hepatomas were observed in the two groups fed the lower dosages; however, cellular hyperplasia was observed in the group fed 66 ppm BHC and, to a lesser extent, in the group fed 6.6 ppm. Liver weights increased in all the treated groups with liver weight in the 660 ppm group increased over 300% compared to the controls. There was also some effect on spleen weight. No hepatomas, nodular hyperplasia, or cellular hyperplasia were observed in the control group.

In 1973 a study was reported by Hanada, et al., in which both male and female strain dd mice were fed diets containing technical BHC and various BHC isomers (Hanada, et al.: Induction of Hepatoma in Mice by Benzene Hexachloride. Gann 65: 511-513, 1973). Six-week old male and female mice in groups of 10 or 100 were fed diets containing 0, 100, 300, or 600 ppm of BHC for 32 weeks followed by a basal diet for 5 or 6 weeks.[6] Hepatomas which were histologically similar to hepatomas induced in mice by CCl_4 and azo dye were observed in both males and females in the groups fed 600 to 300 ppm BHC. In the group fed 600 ppm, 100% of the animals (4 males and 5 females) developed hepatomas. The average size of liver tumors in the group fed 600 ppm was 9 mm for females and 11 mm for males (the latter was the largest average size for any feeding or sex group in the study). In the group fed 300 ppm, all 4 of the male mice and 3 of the 5 females developed hepatomas. The average sizes of liver tumors in the groups fed 300 ppm were 6 mm for males and 5 mm for females. No hepatomas were observed in the groups fed 100 or 0 ppm BHC. These results are statistically significant ($p<0.001$).

While the study was still in progress, Goto, *et al.*, reported on the results of feeding technical BHC to IRC-JCL male mice. (Goto, et al: Hepatoma Development in Mice After Administration of HCH [BHC] Isomers at High Dosages. Chemosphere 1 (6): 279-282, 1972). The results confirm the observations of oncogenicity reported by other researchers. Five week-old male mice were fed a diet containing 600 ppm technical BHC. After 26 weeks, ten of the mice were sacrificed and examined for gross and histological changes. Hepatomas were observed in all ten of the animals ($p<0.0001$). Although the exact numbers were not reported, some of the hepatomas were characterized as being malignant. In addition, the average liver weight for the animals fed diets containing BHC was almost four times greater than that for control animals. No hepatomas were observed in the control animals.

(b) *Mouse Studies with Alpha-, Beta-, Gamma-, and Delta-BHC.* In addition to studies demonstrating the carcinogenicity of BHC in mice, feeding studies have been conducted with each of the major BHC isomers to evaluate their individual potential for inducing carcinogenic effects. These effects were observed in mice whose diets contained alpha-, beta-, and gamma-BHC.

In 1972 Nagasaki, et al., fed 13 groups of mice diets containing 500, 250, 100, or 0 ppm of either alpha-, beta-, gamma-, or delta-BHC. Each group consisted of 20 male strain dd mice. The test lasted 24 weeks. (Nagasaki, et al: Experimental Studies on Chronic Toxicity of Benzene Hexachloride (BHC), J. Nara Med. As-

[3] Technical grade BHC is primarily composed of the alpha, beta, gamma, and delta isomers of the BHC molecule. Depending upon the manufacturing process, the isomeric composition of BHC is as follows: 53 to 70% alpha-BHC; 3 to 14% beta-BHC; 11 to 18% gamma-BHC; 6 to 10% delta-BHC; and 3 to 10% other isomers. In the discussion to follow the term BHC refers to technical BHC, unless otherwise specified.

[4] The studies summarized below describe oncogenic activity by BHC in mouse strains dd and ICR-JCL, by alpha-BHC in strains dd, ICR-JCL, DDY, DBA/2, ICR and C3H/He, by beta-BHC in strain CF1, and by gamma-BHC in strains ICR-JCL, dd and CF1.

[5] The amount of each isomer contained in the 600 ppm BHC dose was as follows: 439 ppm alpha isomer, 75 ppm beta isomer, 100 ppm gamma isomer, 42 ppm delta isomer, and 4 ppm other isomers.

[6] In addition, male and female groups of mice were fed diets containing the alpha, beta, or gamma isomer of BHC at 100, 300, and 600 ppm. The oncogenic effects caused by the individual isomers are discussed below.

soc. 24:1–26, 1973). Only the animals fed diets containing 500 or 250 ppm alpha-BHC developed hepatic carcinomas. Of those fed 500 ppm alpha-BHC, 65% of the mice (13 out of 20) developed hepatocellular carcinomas and 35% (7 out of 20) developed nodular hyperplasia. In those fed 250 ppm alpha-BHC, 15% of the animals (3 out of 20) developed hepatocellular carcinomas and 70% (14 out of 20) developed nodular hyperplasia. Various degrees of hepatic cell hypertrophy were observed in many of the other groups. All of these results are statistically significant ($p<0.0001$).

In 1973 Ito, et al., fed groups of 20 to 40 male strain dd mice (8 weeks old) diets containing 500, 250, 100, or 0 ppm of the alpha, beta, gamma, or delta isomer (Ito, et al: Histological and Ultrastructural Studies on the Hepatocarcinogenicity of Benzene Hexachloride in Mice, J. Nat. Cancer Institute 51:817–826, 1973). In addition, Ito combined several of the isomers in the diets: 250 ppm alpha with either 250 ppm beta, 250 ppm gamma, or 250 delta; 250 ppm beta with either 250 ppm gamma or 250 ppm delta; and 250 ppm gamma plus 250 ppm delta. Hepatocellular carcinomas, nodular hyperplasia, and hypertrophy of centrolobular liver cells developed in all groups receiving the alpha isomer either alone or in conjunction with another isomer, except for the group fed only 100 ppm alpha isomer (Table 1). On the other hand, animals fed diets containing 250 ppm beta- or 250 ppm gamma-BHC for 24 weeks did not develop hepatic lesions. Those animals fed diets of 250 ppm alpha in combination with the 250 ppm beta- or 250 ppm gamma-isomer had a greater incidence of both nodular hyperplasia and hepatocellular carcinomas when compared to animals fed diets containing only the 250 ppm alpha isomer. No hepatic nodules or effects were observed in the control group. All of these results are statistically significant at $p<10^{-7}$.

TABLE 1.—*Histopathogical changes in the liver of mice treated with BHC isomers for 24 wk*

Isomer in diet (parts per million)	Number per group	Nodular Hyperplasia		Hepatocellular Carcinoma	
		Total	Percent	Total	Percent
Alpha 500	20	20	100.0	17	85.0
Alpha 250	33	30	78.9	10	26.3
Alpha+beta 250+250	28	26	92.8	14	50.0
Alpha+gamma 250+250	28	26	92.8	12	42.8
Alpha+delta 250+250	23	21	75.0	7	23.0
Control (0)	20	0		0	

In addition to studying the oncogenic effects of technical BHC, Goto, et al., also studied the oncogenic effects of various BHC isomers (Goto, et al., Hepatoma Development in Mice After Administration of HCH [BHC] Isomers at High Dosages, Chemosphere 1(6):279–282, 1972). Liver tumors and increased liver weights were observed in all groups of animals examined after 26 weeks of treatment. (Table 2).

TABLE 2.—*Effects of various isomers on ICR-JCL male mice livers*

BHC isomer	Parts per million	Number per group	Liver weight (g)	Liver tumors	
				Total	Percent
Alpha	600	10	9.9	10	100
Beta	600	10	4.8	(1)	
Gamma	600	10	4.1	5	50
Delta and epsilon (total)	600	10	4.4	8	80
Control		10	2.4	0	0

[1] Tumors were observed, but numbers were not reported.

Moreover, each group fed diets containing 600 ppm or each of the isomers had a demarcated atypical proliferation of cells and benign neoplasms. Diets containing 600 ppm of the alpha isomer and 600 ppm of the delta and epsilon isomers induced frequent malignant neoplasms which were reported as appearing similar to human liver cancer. The effects observed in groups for which numerical results are given are all statistically significantly different from the controls of $p<0.0001$.

Hanada, et al., repeated the oncogenic studies performed by Nagasaki with technical BHC and its various isomers and expanded the study to include female strain dd mice. Hanada, et al., (op. cit.). The increased incidence of tumors observed in surviving mice is summarized in Table 3.

TABLE 3.—*Tumor incidence in male and female strain dd mice*

	Amount (parts per million)	Males	Females
Alpha-BHC	100	1/8	0/8
	300	7/7	2/3
	600	7/7	0/8
Gamma-BHC	100	0/10	0/8
	300	0/9	0/7
	600	3/4	1/3
Control	0	0/14	0/15

There was clearly an oncogenic effect in both females and males. Moreover, hepatic changes in males were more pronounced than in females. For alpha-BHC, the results are significant at $p<0.0001$ for males and $p<0.001$ for females. For gamma-BHC, the results are significant at $p<0.025$ for males and not significant for females.

In 1973 Thorpe and Walker of the Tunstall Laboratory (Shell Research Limited) conducted a study using the beta and gamma isomers as part of a larger study on the pesticides dieldrin and DDT. (Thorpe and Walker: The Toxicology of Dieldrin (HEOD). II Comparative Long-Term Oral Toxicity Studies in Mice with Dieldrin, DDT Phenobarbitone, Beta-BHC and Gamma-BHC, Fd. Cosmet. Toxicol. 11:433–442,

1973). The results indicated that both beta- and gamma-BHC induced a statistically significant increase in hepatic tumors for males ($p<0.001$ for both isomers) and females ($p<0.05$ for beta-BHC and $p<0.0001$ for gamma-BHC). In addition, both the beta and gamma isomers increased the incidence of "type b" tumors, which the researchers characterized as malignant. These isomers increased the incidence of macroscopically detected metastases to the lung but there is no indication that these researchers serially sectioned the lungs to detect invasion of metastases.

In the study 14 week old Carworth Farm No. 1 (CF1), male and female mice were fed diets for up to 110 weeks containing 200 ppm beta-BHC, 400 ppm gamma-BHC, or 0 ppm. The mortality level was high. Only 17% of the males and 3% of the females fed diets containing gamma-BHC survived for the full 110 weeks. Thirteen percent of the males and 17% of the females fed diets containing beta-BHC survived for the full duration of the study. Forty-four of the male control animals and 32% of the female control animals survived for the full period. Livers were enlarged by the fiftieth week in both males and females fed 200 ppm beta-BHC. The first liver tumor was found at autopsy of a female fed 400 ppm gamma-BHC for 12 months. The researchers classified to the tumor as "type a" which did not have the capacity to metastasize and "type b" which did have the capacity to metastasize. The specific incidence of each type of liver tumor observed in the males and females is presented in Tables 4 and 5. In control mice, the earliest tumor of the liver was found in a male dying at 18 months and a female at 23 months.

TABLE 4.—*Incidence of tumors of the liver in male mice ingesting Beta-BHC or gamma-BHC for up to 110 wk*

Chem. and Conc. (parts per million)	Number per group [1]	Type a tumors		Type b tumors		Total tumors		Lung metastases	
		Number	Percent	Number	Percent	Number	Percent	Number	Percent
Control (0)	45	9	20	2	4	11	24	0	0
B-BHC (200)	24	12	50	10	42	22	92	4	17
γ-BHC (400)	28	11	39	16	58	27	96	3	11

[1] Animals which died before 1st tumors were detected are excluded.

TABLE 5.—*Incidence of tumors of the liver in female mice ingesting Beta-BHC or Gamma-BHC for up to 110 wk*

Chem. and Conc. (parts per million)	Number per group [1]	Type a tumors		Type b tumors		Total tumors		Lung metastases	
		Number	Percent	Number	Percent	Number	Percent	Number	Percent
Control (0)	44	10	23.0	0	0	10	23	0	0
B-BHC (200)	19	9	47.0	4	21.0	13	68	0	0
γ-BHC (400)	21	10	47.5	10	47.5	20	95	1	5

[1] Animals which died before 1st tumors were detected are excluded.

In 1975 Nagasaki, et al., reported on the oncogenic effects of the alpha isomer in male and female mice of five different strains when fed diets containing 500 ppm for 24 weeks (Nagasaki, et al: Effect of Various Factors on Induction of Liver Tumors in Animals by the Alpha-Isomer of Benzene Hexachloride, Gann 66:185-191, 1975). The study reported a difference in tumor incidence between strains, with DDY mice having the highest and C57BL/6 mice the lowest incidence. In males, nodular hyperplasia was observed in all five trains and hepatocellular carcinomas were observed in two strains (DDY and ICR) and to a lesser extent in a third (DBA/2). Effects in females were basically the same as those in males, but less pronounced. Neither nodular hyperplasia nor hepatocellular carcinoma were observed in the controls of any strain. The overall results are statistically significant at $p<0.001$ (Table 6).

TABLE 6.—*Liver effects in mice fed 500 ppm alpha-BHC for 24 wks*

Animals strain and sex	Number per group	Nodular Hyperplasia		Hepatocellular Carcinomas	
		Total	Percent	Total	Percent
DDY:					
Male	20	20	100.0	13	65.0
Female	20	16	80.0	5	25.0
ICR:					
Male	23	18	78.3	8	20.1
Female	29	15	51.7	6	20.0
DBA/2:					
Male	16	8	50.0	1	6.3
Female	15	5	33.0	1	6.7
C57BL/6:					
Male	21	4	19.0	0	0
Female	18	3	16.7	0	0
C3H/He:					
Male	20	13	65.0	0	0
Female	20	11	55.0	2	10.0
Control: [1]					
Male		0	0	0	0
Female		0	0	0	0

[1] Number of controls for each strain varied from 13 to 22.

In 1975 Herbst, et al., reported that when NMRI male and female mice were fed diets containing 0, 12.5, 25, or 50 ppm of the gamma-isomer for 80 weeks, no hepatocarcinogenic effects related to dosage were observed. (Herbst, et al., 1975, "A Contribution to the Question of the Possible Hepatocarcinogenic Effects of Lindane," Toxicology 4:91–96).

(c) *Effects of PCBs on Tumor Induction when Combined with BHC.* In 1973, Ito, et al., reported on the effect of PCBs[1] on the induction of tumors when combined with alpha-, beta-, or gamma-BHC (Ito, et al: Histopathological Studies on Liver Tumorigenesis of Polychlorinated Biphenyls and Its Promoting Effect on Liver Tumors Induced by Benzene Hexachloride, J. Nat. Cancer Institute 51(5): 1637–1646, 1973). The results of the study indicate that PCB–5 promotes tumor induction when combined with alpha-BHC and to a lesser extent beta-BHC, but does not promote tumor induction when combined with gamma-BHC. In the study, the 8-week-old male strain dd mice were first fed diets containing 100, 250, or 500 ppm PCB–3, PCB–4, or PCB–5 for 32 weeks. Only animals fed 500 ppm PCB–5 developed nodular hyperplasia (7 out of 12 or 58.3%) and hepatocellular carcinoma (5 out of 12 or 41.7%); however, focal hypertrophy of the centrolobular liver cells was observed in all groups fed PCB–5 and PCB–4. Subsequently, additional male strain dd mice were fed diets containing 250 ppm alpha-BHC, 250 ppm alpha-BHC plus 250 ppm PCB–5, 100 ppm alpha-BHC, 100 ppm alpha-BHC plus 250 ppm PCB–5, 50 ppm alpha-BHC, 50 ppm alpha-BHC plus 250 ppm PCB–5, 250 ppm beta-BHC, 250 ppm beta BHC plus 250 ppm PCB–5, 100 ppm beta-BHC, and 100 ppm beta-BHC plus 250 ppm PCB–5.

Hyperplastic nodules or hepatocellular carcinomas were not observed in any groups fed diets containing only alpha- or beta-BHC, with the exception of those mice fed 250 ppm alpha-BHC. In that group, 76.6% (23 out of 30) developed hyperplastic nodules while 26.7% (8 out of 30) developed carcinomas. However, the addition of PCBs to the various dosages of alpha- and beta-BHC either increased the incidence of tumors or induced tumors at feeding levels of alpha or beta isomers which previously had not produced observable tumors (Table 7).

[1] PCB samples were Kanechlor-500, -400, and -300.

TABLE 7.—*Liver nodule induction in male dd mice fed BHC and PCB–5*

Treatment	Parts per million	Number per group	Nodular hyperplasia		Hepatocellular carcinomas	
			Total	Percent	Total	Percent
alpha-BHC	250	30	23	76.7	8	26.7
alpha-BHC	250	28	21	80.8	15	57.6
+PCB–5	250					
alpha-BHC	100	28	0		0	
alpha-BHC	100	28	8	32.0	1	4.0
+PCB–5	250					
alpha-BHC	50	28	0		0	
alpha-BHC	50	30	9	30.0	2	6.7
+PCB–5	250					
beta-BHC	250	28	0		0	
beta-BHC	250	29	16	55.2	16	55.2
+PCB–5	250					
beta-BHC	100	28	0		0	
beta-BHC	100	30	5	16.7	1	3.3
+PCB–5	250					

(d) *Rat and Hamster Studies.* In 1975 Ito, et al., reported the results of a feeding study using male Wistar rats fed diets containing 500 ppm alpha-, beta-, or delta-BHC for 24 or 40 weeks; 1000 ppm alpha-BHC for 24, 48, or 72 weeks; 1000 ppm beta-BHC for 24 weeks and delta-BHC for 24 or 48 weeks; and 1500 ppm alpha-BHC for 72 weeks (Ito, et al.: Development of Hepatocellular Carcinomas in Rats Treated with Benzene Hexachloride, J. Nat. Cancer Institute 54: 801–805, 1975). Carcinomas of the liver were observed in only those rats ingesting 1500 or 1000 ppm of alpha-BHC for 72 weeks. Rats given 1500 ppm alpha-BHC for 72 weeks had 23% (3 out of 13) carcinomas and 77% (10 out of 13) hyperplastic nodules; those given 1000 ppm alpha-BHC for 72 weeks had 6% (1 out of 16) carcinomas of the liver and 76% (12 out of 16) hyperplastic nodules. Those rats given 1000 ppm alpha-BHC for 48 weeks developed only hyperplastic nodules (5 out of 12 or 42%). Results for the hyperplastic nodules are statistically significant at $p<0.0001$. High dosages of beta-, gamma-, and delta-BHC, given for 24 or 48 weeks, did not induce tumors but induced cellular hypertrophy.

In 1950, Fitzhugh, et al., reported the results of a lifetime feeding study (approximately 110 weeks) of male Wistar rats fed diets containing either alpha-, beta-, or technical BHC in amounts of 10 to 800 ppm. (Fitzhugh et al: The Chronic Toxicities of Technical Benzene Hexachloride and its Alpha, Beta, and Gamma Isomers. J. Pharmacol. Exper. Therap. 100:59–66, 1950). Although no tumors were observed in either the control or treated groups, the authors reported microscopic alterations in the liver typical of those seen with other chlorinated compounds such as DDT, aldrin, and dieldrin. The histological alterations in the liver consisted of centrolubular hypertrophy and diffuse hepatic cell hypertrophy, as well as hepatic cell atrophy, fatty degeneration, and focal necrosis. The kidney was observed to have been affected to a lesser degree than the liver. Slight to moderate kidney damage occurred in groups treated with 800 ppm alpha-BHC; slight damage occurred in the group treated with 800-ppm technical BHC. A moderate degree of testicular atrophy was observed in the group fed 800-ppm technical BHC.

In addition to histological effects in the liver and kidney, liver size was increased in all groups fed isomers or technical BHC. The lowest dosage which significantly affected the liver weight were 10 ppm beta-BHC and 100 ppm alpha-, gamma-, or technical BHC.

Nagasaki, et al., also reported that results of a short-term feeding study with hamsters demonstrated the absence of oncogenic effects in hamsters fed diets containing 500 ppm alpha-BHC. (Nagasaki, et al: Effect of Various Factors on Induction of Liver Tumors in Animals by the Alpha-Isomer of Benzene Hexachloride. Gann 66: 185–191, 1975).

(e) *Reproductive and Fetotoxic Effects in Test Animals.* 40 CFR 162.11(a)(3)(ii)(B) provides "[a] rebuttable presumption shall arise if a pesticide's ingredient * * *. [p]roduces any other chronic or delayed toxic effect in test animals at any dosage up to a level, as determined by the Administrator, which is substantially higher than that to which humans can reasonably be anticipated to be exposed, taking into account ample margins of safety." The Agency is aware of two studies, summarized below, which demonstrate that for two isomers of BHC there is sufficient evidence to establish a presumption pursuant to Section 162.11(a)(3)(ii)(B).

In 1972, Yamagishi, et al., reported that beta-BHC produced fetotoxic effects in mice (Yamagishi, et al: On the effect of beta BHC on mouse fetus (IV), J. Clin. Nutrition 41(5):509 (1972)). In this study, fetotoxicity was assayed by determining the relative proportions of intrauterine deaths and immature fetuses in control and beta-BHC treated mice. Immaturity was established through subjective evaluation of size, motor activity and responsiveness. Resorbed and dead fetuses were counted as intrauterine deaths. Two of the experiments involved subcutaneous administration of 5, 50 or 100 μg/g beta-BHC during either early (days 2–6) or middle (days 7–11) gestation. In a third experiment, pregnant females which had been maintained on a diet containing 5 ppm beta-BHC for one month prior to mating were fed 50 or 100 μg/g beta-BHC on the sixth and seventh days of gestation. The rate of immaturity and death in the offspring are recorded in Table 8.

TABLE 8.—*Incidence of dead and immature fetuses following exposure to beta-BHC*

Protocol	Immature and dead or resorbed fetuses—Dose							
	0		5 μg/g		50 μg/g		100 μg/g	
	Percent	Control	Percent	Control	Percent	Control	Percent	Control
5 ppm beta-BHC orally 1 mo before mating plus oral dose on days 6 and 7	8	9/112	11.3	14/124	24.0	30/126	26.8	31/120
Subcutaneous administration in early gestation (days 2 to 6)	23.6	26/110	23.8	30/126	35.6	46/129	47.3	62/130
Subcutaneous administration in middle gestation (days 7 to 11)	20	20/100	30	35/115	24.6	32/130	21.3	27/127

The data suggest that exposure to 50 or 100 μg/g beta-BHC during the first half of the 21-day gestation period increases the incidence of fetal mortality and immaturity. The first protocol listed in the table is particularly significant since it tends to duplicate possible exposure patterns of humans who have residual tissue levels of beta-BHC and then receive a short-term high level exposure from normal use of the pesticide. However, since data is not available on the amount of human exposure which may occur during normal use, the question remains open as to whether the levels where effects were observed in the animals is substantially higher than that "to which humans can reasonably be anticipated to be exposed." Moreover, since beta-BHC is detected in the tissue of about 99% of all persons living in the United States, it must be presumed that current exposure may be sufficient to produce fetotoxic effects in humans.

There are several limitations in the researchers' reporting of observed effects. Even though the primary parameter of fetal effects was fetal growth and development, the report does not present specific fetal weight measurements. In addition, subcutaneous administration of the pesticide makes any appraisal of the amount of the chemical exposure difficult. Moreover, only a small number of animals were studied and the results would have been more significant if more animals had been included in each group. Finally, there was a large variation in control mortality. However, the first experiment (See Table 13) appears to indicate that beta-BHC produced fetotoxic effects in mice, but incomplete reporting of some experimental details reduces the weight to be given to the researchers' conclusions. In addition to the observed fetotoxic effects, measurements of BHC levels in maternal and fetal tissue demonstrated that beta-BHC crosses the placenta and is deposited in the fetus in a dose dependent manner.

Petreschu, et al., reported that the gamma-isomer of BHC has an adverse effect on normal reproductive functions in the white rat. (Studies of the effects of long-term administration of organochlorate pesticides (Lindane, DDT) on the white laboratory rate. (Transl.).) This study reported that in rats fed diets containing 0, 5, 10, and 15 mg/kg gamma-BHC for three generations, the average duration of pregnancy lengthened somewhat, and the fertility index (number of births relative to the size of the parental population) decreased. The study also reported that there was a progressive increase in the proportion of stillbirths with each successive generation. In addition, spastic paraplegia was observed in 17 F1 and in 7 F2 offspring; this condition was not observed in the parents or in the F1 and F2 control groups. Since at least some effects were observed at all dosage levels, the lowest dose at which these effects may be observed is not known. Another unknown factor is whether the levels which produced effects in the study are substantially higher than those "to which humans can reasonably be anticipated to be exposed." In the absence of a level at which there was no demonstrated effect and thus no basis for choice of an "ample margin of safety," it must be presumed that amounts to which humans are currently exposed may be sufficient to produce reproductive and fetotoxic effects.

B. *Acute Toxicity.* 40 CFR 162.11(a)(3)(i) sets forth several criteria which require that a rebuttable presumption arise because of the acute toxicity of the pesticide to humans and domestic animals (§ 162.11(a)(3)(i)(A)), and to wildlife (§ 162.11(a)(3)(i)(B)). The Agency at this time is not aware of any registrations for products containing BHC which meet or exceed these criteria. However, during the rebuttal procedure, all labels for products containing BHC will be reviewed to determine if a potential for adverse effects from acute toxicity exists.

III. Registrations and Products Subject to the Notice

All registrants and applicants for registration listed below are being notified by certified mail of the rebuttable presumption existing against registration and continued registration of their products.

The registrants and applicants for registration shall have until November 29, 1976 to submit evidence in rebuttal of the presumption. However, the Administrator may, for good cause shown, grant an additional 60 days in which such evidence may be submitted. Notice of such an extension, if granted, will appear in the FEDERAL REGISTER.

IV. Duty to Submit Information on Adverse Effects

Registrants are required by law to submit to EPA any additional information regarding any adverse effects on man or the environment which comes to a registrant's attention at any time, pursuant to section 6(a)(2) of the Federal Insecticide, Fungicide, and Rodenticide Act and 40 CFR 162.8(d). If any registrant of BHC has any published or unpublished information, studies, reports, analyses, or reanalyses regarding any adverse effects in animal species or humans, residues, and claimed or verified accidents to humans, domestic animals, or wildlife, which has not been previously submitted to EPA, the material must be submitted immediately. At the time each registrant responds to this notice, each registrant shall submit a written certification to the Agency that all information regarding any adverse effects known to the registrant has been submitted. In addition, the registrants should notify EPA of any studies currently in progress, including the purpose of the study, the protocol, the approximate completion date, and a summary of all results observed to date.

V. Public Comments

A Position Document, dated October 4, 1976, prepared by an Agency Working Group on BHC and containing references and the underlying data is available for public inspection. During the time allowed for submission of rebuttal evidence, comments on the presumptions set forth in the notice and on the material contained in the Position Document are also solicited from the public. In particular, any documented episodes of adverse effects to humans, domestic animals, or wildlife, and information as to any laboratory studies in progress or completed, are requested to be submitted to EPA as soon as possible. Likewise, any studies or comments on the benefits from the use of BHC are requested to be submitted. All comments and information should be sent to the Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, Rm. 401, East Tower, 401 M St. SW., Washington, D.C. 20460. Three copies of the comments or information should be submitted if possible to facilitate the work of the Agency and others interested in inspecting them. The comments and information should bear the identifying notation "OPP-30000/6". Comments and information received within the specified time limit shall be considered before it is determined whether a notice shall be issued in accordance with 40 CFR 162.11(a)(5)(ii). Comments received after the specified time period will be considered only to the extent feasible consistent with the time limits imposed by 40 CFR 162.11(a)(5)(ii). All written comments and information filed pursuant to this notice will be available for public inspection in the office of the Federal Register Section from 8:30 a.m. to 4 p.m. during normal working days. The material contained in the Position Document is available for public inspection in the Office of Special Pesticide Review, Rm. 447, East Tower, during the same time period.

Dated: October 12, 1976.

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

BHC as an active ingredient in federally registered products

Registrant No.	Name and address	Product No. and name
000148	Thompson-Hayward Chemical Co., Box 2383, Kansas City, Kans. 66110.	00106 De-Pester BHC E-1. 00549 De-Pester BHC W-12.
000226	Tobacco States Chemical Co., Box 479, Lexington, Ky. 40501.	00033 Tobacco States Brand—10 percent B-H-C Wettable Powder.
000239	Chevron Chemical Co., Ortho Division 940 Hensley Way, Richmond, Calif. 94801.	00224 Ortho BHC 10 Wettable. 00232 Ortho BHC 3 Dust. 00439 Ortho BHC Emulsive. 00917 Ortho Lawn Spray.
000279	FMC Corp., Agricultural Chemical Division, 100 Niagara St., Middle Port, N.Y. 14105.	00275 Niagara BHC 1.2 Dust. 00506 Niagara BHC Miscible Code 304. 00556 Niagara BHC 10 Spray.
000430	Durhams Drug Products Co., Box 443, Comanche, Tex. 76442.	00023 Durham's BHC W-6.
000453	Wood Treating Chemicals Department, Koppers Co., Inc., Department of Koppers Co., 5137 Southwest Ave. St. Louis, Mo. 63110.	00115 Timbertreat No. 625 Insecticide. 00260 Timbertreat 95 Insecticide.
000456	Chemical Formulators, Inc., Box 23, Nitro, W. Va. 25143.	00076 Chemform Brand Antiborder Emulsion Concentrate.
000615	Baker Moore & Mein Co., 19 North Railroad St., Myerstown, Pa. 17067.	00018 Bay-Mor BHC Roost Paint.
000635	E-Z-Flo Chemical Co., Division of Kirsto Co., P.O. Box 803, Lansing, Mich. 48903.	00378 BHC 12-W.
000769	Woolfolk Chemical Works, Inc., P.O. Box 933, Fort Valley, Ga. 31030.	00050 Security Brand Benzex. 00209 Security Brand BHC Concentrate.
000935	Hooker Chemical & Plastics Corp., P.O. Box 344, Niagara Falls, N.Y. 14302.	00018 BHC (Hexachlorocyclohexane) for Manufacturing Use Only. 00025 BHC 30 Dust, Concentrated Insecticide.
001022	Chapman Chemical Co., Box 9153, Memphis, Tenn. 38109.	00006 Ambrocide. 00144 BHC 1 Emulsifiable Concentrate. 00477 Ambrite T.
001191	Carolina Chemicals, Inc. P.O. Box 118, West Columbia, S.C. 29169.	00306 Flight Brand BHC 3-5-0 Dust. 00317 Flight Brand BHC Pine Tree Spray.
001383	Universal Cooperatives, Inc., P.O. Box 836, Alliance, Ohio 44601.	00027 12 percent Gamma BHC Wettable Powder. 00032 Unico BHC Emulsifiable Concentrate.
001439	Blue Spruce Co., 1390 Valley Rd., Stirling, N.J. 07980.	00110 Outdoor Fog Formula No. 55.
001526	A. G. Chem-Chem Dist, Arizona Agrochemical Co., P.O. Box 21537, Phoenix, Ariz. 85036.	00441 BHC BC-10.
001593	FCX, Inc., P.O. Box 2419, Raleigh, N.C. 27642	00110 Special BHC Pine Tree Spray Concentrate.
001812	Parramore & Griffin Co., P.O. Box 188, Valdosta, Ga. 31601.	00096 BHC Emulsifiable Concentrate.
001842	Triangle Chemical Co., Box 4528, Macon, Ga. 31208.	00035 Triangle 12 Gamma Wettable BBC. 00038 Triangle Pine Beetle Spray. 00089 Triangle Pine Beetle Spray Oil Concentrate. 00163 Triangle Die-Termite (with Aldrin).
001927	Terminix Division of Cook Industry, Inc., P.O. Box 16902, Memphis, Tenn. 38116.	00008 Terminix BTL.
002169	Patterson Chemical Co., Inc., 1400 Union Ave., Kansas City, Mo. 64101.	00087 Patterson's BHC Emulsion Concentrate. 00200 Patterson's 12 Percent BHC Wettable Powder.
002342	Kerr-McGee Chemical Corp., Mgr. Pkg. & Labeling, Kerr-McGee Center, Oklahoma City, Okla. 73102.	00374 Fasco BBC Liq-1 Product No. 879.
002459	Stevens Industry, Inc., North Main St., P.O. Box 272, Dawson, Ga. 31742.	0202 Master Brand BHC—9 Dust Concentrate.
002781	Happy Jack, Inc., Box 475, Snow Hill, N.C. 28580.	00003 Happy Jack Kennel Dip.
003468	Schall Chemical, Inc., Box 862, Montevista, Colo. 81144.	00039 BHC I E.
003743	Southern Agricultural Chemicals, Inc., P.O. Box 527, Kingstree, S.C. 29556.	00109 Royal Brand BHC 1-E.
003890	Richmond Vet Supply Co., Attention: W. Budowitz, Box 8828, Richmond, Va. 23226.	00006 Gammene.
004581	Pennwalt Corp. Agchem. Division, Pennwalt Technological Center, P.O. Box C, King of Prussia, Pa. 19406.	00027 Penco BHC W-12.
004887	Stephenson Chemical Co., Inc., Box 87188, College Park, Ga. 30337.	00018 Pine Beetle Spray.
004981	Redwood Chemical, Inc., 12245 Robin Blvd., Houston, Tex. 77045.	00033 Redwood's BHC Emulsifiable.
005645	Vet Labs, Inc., 12340 Santa Fe Dr., Lenexa, Kans. 66215.	00003 Benzene Hexachloride Solution.
005778	GRO Chemical Co., 3530 NW. 31st St., Miami, Fla. 33142.	00025 GRO Super Go-Chinch With Diazinon Liquid Spray Concentrate. 00032 Super Chinch Lawn Spray With BHC-Toxaphene-Diazinon. 00033 Do It Yourself Termite Killer. 00034 Super Chinch Lawn Spray With BHC Toxaphene-Ethion. 00035 Super Chinch Lawn Spray With BHC-Toxaphene-Trithion.
006651	Sanford Products Corp., P.O. Box 5570, Jackson, Miss. 39208.	00011 Sanford BHC One.
006720	Southern Mill Creek Products Co., Inc., Box 1096, Tampa, Fla. 33601.	00161 SMCP BHC E-11.
007234	Forshaw Chemicals, Inc., 650 State St., P.O. Box 6055, Charlotte, N.C. 28203.	00002 Beetlecide. 00013 Bettle Ded.
008343	Gabriel Chemicals, Ltd., 204 21st Ave., Paterson, N.J. 07509.	00049 Agriseet BHC 12 percent Wettable Powder.
008521	Gabriel Chemical, Ltd., Box B, Robbinsville, N.J. 08691.	00115 Gabriel BHC 1 Emulsifiable Concentrate.
008934	Ring Around Products, Inc., P.O. Box 589, Montgomery, Ala. 36101.	00063 Ring Around Brand Gamma Kil-Benzene Hexachloride (Wettable).
009779	Riverside Chemical Co., P.O. Box 171199, 855 Ridge Lake Blvd., Memphis, Tenn. 38117.	00214 Riverside BHC 1.
009859	Landia Chemical Co., 1801 West Olive St., Lakeland, Fla. 33801.	00062 BHD E-11.
010290	Professional Chemical Co., Inc., P.O. Box 94071, 4517 Yale St., Houston, Tex. 77018.	00018 Professional BHC E-1.

BHC as an active ingredient in federally registered products—Continued

Registrant No.	Name and address	Product No. and name
015146	Chemwood Corp., 810 Washington Ave., P.O. Box 4270, Memphis, Tenn. 38104.	00001 Chemtox-BHC.
030940	Quantex Corp., Box 9158, Mallory Station, Memphis, Tenn. 38109.	00003 Quantex-BHC.
033560	Pro Serve, Inc., 5050 Poplar, Suite 2133, Memphis, Tenn. 38157.	00006 Stea-Clear ABX.

Applicants for registration of products containing BHC

Registrant No.	Name and address	Product No. and name	State
000148	Thompson-Hayward Chemical Co., Box 2383, Kansas City, Kans. 66110.	00317 BHC W-12	Oklahoma.
001208	Janson Ind. Plainsman Agricultural, Box 174, Plainview, Tex. 79350.	00209 Plainsman 3-0-0 BHC Dust (contains BHC).	Texas.
005907	Moyer Chemical Co., Box 945, San Jose, Calif. 95108.	00416 Malathion Toxaphene BHC Dust No. 4-10-2.	California.
006720	Southern Mill Creek Products Co., Inc., Box 1096, Tampa, Fla. 33601.	00302 SMCP Lindane E-20	Florida.
008127	Aggie Chemical Industry, P.O. Box 8335, San Antonio, Tex. 78208.	04900 BHC 1.2-EC	Texas.
009169	Seminole Stores, Inc. P.O. Box 940, Ocala, Fla.	00459 Marico Brand 3 percent BHC Dust.	Florida.
009782	Woodbury Chemical Co., P.O. Box 4319, Princeton, Fla. 33030.	00312 BHC Liquid	Do.
009859	Landis Chemical Co., 1801 West Olive St., Lakeland, Fla. 33801.	00035 BHC E-11	Do.
010873	Tifton Chemical Co., P.O. Box 5, Tifton, Ga. 31794.	00304 Tifchem BHC E-11 00326 Tifchem BHC-11	Georgia. Do.
010972	Castle A. L., Inc., P.O. Box 877, Morgan Hill, Calif. 95037.	00113 Castle Brand Dust BHC-2 00339 Castle Brand Dust BHC-2 G-Thion Manch 2-5.6.	California. Do.
015887	Agricultural Chemical Co. of Dallas, 1900 Superior Ave., Dallas, Tex. 75203.	00425 Hi Brand Cotton Dust 3-0-0. 00426 Hi Brand BHC E-1	Texas. Do.
032196	Kare Chemical Co., Ops-Locka Airport Bldg. 148, Eagle Plaza, Ops-Locka, Fla.	00272 Eagle Chinch Lawn Spray with Trithion.	Florida.
032280	Menna Industrial Supply Co., 1 Riverside Rd., Riverside, Ill. 60546.	00200 Standard Flea Dust (or Spray).	Do.
035133	Cryer Pest Control, Inc., 215 South Highway 146, Baytown, Tex. 77520.	00321 C. & C. Professional Mosquito Spray.	Texas.
037923	U.S. Department of Agriculture, Storage Lot, Dublin, Ga. 31021.	00418 Berertrel	Missouri.

[FR Doc.76-30315 Filed 10-18-76;8:45 am]

PESTICIDE PROGRAMS

[OPP-66020; (FRL 631-1)]

Cancellation of Registration of Pesticide Product Benzene Hexachloride (BHC)

Pursuant to section 6(a)(1) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended (86 Stat. 973, 89 Stat. 751, 7 U.S.C. 136(a) et seq.), on September 1, 1976, the Hooker Chemicals and Plastics Corp. (Hooker), 345 3rd St., Box 728, Niagara Falls, N.Y. 14302, requested that the Environmental Protection Agency (EPA) cancel registrations of the pesticide products BHC (hexachlorocyclohexane) for manufacturing use only, EPA Registration No. 935-18, and BHC 30 dust, concentrated insecticide, EPA Registration No. 935-25. Such cancellation shall be effective on or before November 18, 1976, unless the registrant, or an interested person with the concurrence of the registrant, requests that the registrations be continued in effect.

Hooker has informed EPA that it has terminated sales and delivery of these products to domestic customers for formulation and/or use; that it is not presently manufacturing BHC; and that it does not intend to manufacture BHC again for domestic pesticide uses. Hooker has further informed EPA that it intends to sell its present inventory as well as any future production for pesticide uses through export sales authorized by FIFRA section 17(a). Accordingly, the only stocks of these manufacturing use only products which remain to be dealt with are stocks in existence on the effective date of cancellation, which are being held for distribution, sale, or use by persons other than Hooker. The Agency has determined that the distribution, sale and use of such stocks would not be inconsistent with the purposes of FIFRA, and would not have an unreasonable adverse effect on the environment. Therefore, pursuant to FIFRA section 6(a)(1), the distribution, sale and use of existing stocks of these products by persons other than Hooker shall be permitted after the effective date of cancellation. *Provided* That these products shall only be used consistent with labeling approved by EPA.

Requests that the registration of these products be continued may be submitted in triplicate to the Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, Environmental Protection Agency, East Tower, Rm. 401, 401 M St. S.W., Washington D.C. 20460. The comments should bear a notation indicating both the subject and the OPP document control number (OPP-66020). Any comments filed regarding this notice of intended cancellation will be available for public inspection in the office of the Federal Register Section from 8:30 a.m. to 4 p.m. Monday through Friday.

Dated: October 12, 1976.

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

[FR Doc.76-30316 Filed 10-18-76;8:45 am]

DEPARTMENT OF THE TREASURY

Bureau of the Public Debt

ORDER OF SUCCESSION OF OFFICIALS TO ACT AS COMMISSIONER

Continuous Performance of Functions in Event of Enemy Attack on Continental United States

1. It is hereby ordered that the following officers of the Bureau of the Public Debt, in order of succession enumerated, shall act as Commissioner in the event of the absence or disability of the Commissioner or a vacancy in the office:

1. Deputy Commissioners
2. Assistant Commissioner (Washington)
3. Assistant Commissioner (Field)
4. Director, Division of Securities Operations
5. Director, Division of Public Debt Accounts
6. Chief Counsel

2. In the event of any enemy attack on the continental United States and without regard to the matter of succession, the Assistant Commissioners are hereby authorized to perform any function of the Secretary of the Treasury or Commissioner of the Public Debt (whether or not otherwise delegated), (a) if it is essential to the carrying out of responsibilities otherwise assigned to them, and (b) if, and so long as, they are unable to ascertain (in a manner consistent with the efficient performance of such responsibilities) whether the Commissioner or any official acting in his stead is available to discharge the Commissioner's duties with respect to the performance of those functions.

3. The foregoing order of succession and provisions for the continuous performance of functions are made under the authority of Department of the Treasury Order No. 129, Revision No. 2, dated April 22, 1955. This order of succession supersedes the order of this Bureau dated July 2, 1975.

H. J. HINTGEN,
Commissioner of the Public Debt.

OCTOBER 13, 1976.

[FR Doc.76-30321 Filed 10-18-76;8:45 am]

Bureau of the Public Debt

ORDER OF SUCCESSION OF OFFICIALS TO ACT AS ASSISTANT COMMISSIONER (FIELD)

Continuous Performance of Functions of Savings Bond Operations Office, In Event of Enemy Attack on Continental United States

1. It is hereby ordered that the following officers of the Savings Bond Opera-

tions Office, Buerau of the Public Debt, in order of succession enumerated, shall act as Assistant Commissioner (Field) in the event of the absence or disability of the Assistant Commissioner (Field) or a vacancy in the office:

1. Deputy Assistant Commissioner (Field)
2. Director, Division of Transactions and Rulings
3. Director, Division of Accounts and Reconciliements

2. In the event of an enemy attack on the continental United States the above designated officials in order of succession, are hereby authorized to perform any function of the Assistant Commissioner (Field), whether or not otherwise delegated), (a) if it is essential to the carrying out of responsibilities otherwise assigned to them, and (b) if, and so long as, they are unable to ascertain (in a manner consistent with the efficient performance of such responsibilities) whether the Assistant Commissioner (Field) or any official acting in his stead is available to discharge the Assistant Commissioner's (Field) duties with respect to the performance of those functions.

3. The foregoing order of succession and provisions for the continuous performance of functions are made under the authority of Department of the Treasury Order No. 129, Revision No. 2, dated April 22, 1955.

H. J. HINTGEN,
Commissioner of the Public Debt.

OCTOBER 13, 1976.

[FR Doc.76-30622 Filed 10-18-76;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Army

COASTAL ENGINEER RESEARCH BOARD

Meeting

Pursuant to Section 10(a) of the Federal Advisory Committee Act (Public Law 92-463), notice is hereby given of a meeting of the U.S. Army Coastal Engineer Research Board on 4 through 5 November 1976.

The meeting will be held in the Conference Room of the Malaga Inn, 359 Church Street, Mobile, Alabama, 36603, from 0830 hours to 1130 hours on 4 November 1976 and from 0830 hours to 1230 hours on 5 November 1976.

The meeting will be preceded by a visit to the U.S. Army Engineer Waterways Experiment Station by civilian members of the Board and other interested persons.

The 4 November 1976 morning session will be devoted to briefings by the Mobile District, Corps of Engineers, on coastal studies and coastal projects; by a discussion on Weir Jetty Design needs by the South Atlantic Division of the Corps; a briefing by the Jacksonville District, Corps of Engineers, on San Juan National Historic Site; and briefings on Murrell's Inlet, S.C. Study and Little River Inlet, N.C.-S.C. project by the Charleston District of the Corps of Engineers.

The remainder of 4 November will be devoted to helicopter overflights of Perdido Pass, Ala., East Pass, Fla., and Panama City, Fla.

The morning session on 5 November 1976 will be devoted to discussion of field test and upgrading of the barge *Currituck;* Corps Input to NOAA Wave Climate Program; CERC Field Research Facility Status; Weir Jetty Research; Corps FY 77/78 Research Program, Setting of Research Priorities, and CERB comments.

Participation by the public is scheduled for 1150 to 1220 hours on 5 November 1976.

The meeting will be open to the public subject to the following:

1. Since seating capacity of the Conference Room at the Malaga Inn limits public participation to not more than 30 people, advance notice of intent to attend, although not required, is requested in order to assure adequate arrangements for those wishing to attend.

2. Oral participation by public attendees is encouraged during those times scheduled on the agenda; written statements may be submitted prior to the meeting or up to 30 days after the meeting.

Inquiries and notice of intent to attend the meeting may be addressed to Colonel John H. Cousins, Executive Secretary, Coastal Engineering Research Board, Kingman Building, Fort Belvoir, Virginia 22060, telephone (202) 325-7000.

Dated: October 12, 1976.

By authority of the Secretary of the Army.

R. S. SEEBERG,
Acting Director, Administrative Management, TAGCEN.

[FR Doc.76-30698 Filed 10-18-76;8:45 am]

JUNIOR SCIENCE AND HUMANITIES SYMPOSIA (JSHS) ADVISORY COMMITTEE

Meeting

In order to comply with the Federal Advisory Committee Act (P.L. 92-463) and implementing directives, notice is hereby given of the meeting of the JSHS Advisory Commitee, on 16 November 1976.

Name of committee: Junior Science and Humanities Symposia (JSHS) Advisory Committee.
Date of meeting: 16 November 1976.
Place: U.S. Army Research Office, Research Office, Research Triangle Park, N.C.
Time: 0930 hours.
Proposed agenda: Introductory Remarks—Dr. Marcus E. Hobbs, Chairman; Action on Summary of 31st Meeting held 21 May 1976, Georgetown University, Washington, D.C. Status of Regional Programs—Mrs. Barbara Osborne; Status and Support of JSHS, FY 77-78—LTC Edward Downing; Proposed Judging Procedures JSHS—Dr. Sherwood Githens; Bicentennial of American Science Project—Mr. Donald Rollins; Status of the Mathematics Olympiad and ISEF—Mr. Donald Rollins; Other Items of Business; Date and Place of Next Meeting.

This meeting is open to the public. Any interested persons may attend, appear before, or file statements with the committee at the time and in the manner permitted by the committee.

LOTHROP MITTENTHAL,
Colonel, ADA, Commanding.

[FR Doc.76-30572 Filed 10-18-76;8:45 am]

SHORELINE EROSION ADVISORY PANEL

Meeting

Pursuant to Section 10(a) of the Federal Advisory Committee Act (Public Law 92-463), notice is hereby given of a meeting of the Shoreline Erosion Advisory Panel on 11-12 November 1976.

The meeting will be held in the Shenandoah BC Room, Ramada Inn, 1900 Fort Myer Drive, Arlington (Rosslyn), Virginia, from 0830 hours to 1630 hours on 11 November 1976 and from 0830 hours to 1200 hours on 12 November 1976.

The meeting will be devoted to discussions by the Panel on legal and institutional arrangements, communications methods; progress made by Philadelphia District on Delaware Bay sites; report on FY 76 Summary of Activities of the Panel; monitoring guidelines; and remarks and discussions by the Atlantic, Pacific, Gulf, and Great Lakes Working Groups of the Panel on site recommendations and device recommendations for low-cost shore protection program.

Participation by the public is scheduled at 1100-1130 hours on 12 November 1976.

The meeting will be open to the public subject to the following:

1. Since seating capacity of the Shenandoah BC Conference Room, Ramada Inn, limits public participation to not more than 30 people, advance notice of intent to attend, although not required, is requested in order to assure adequate arrangements for those wishing to attend.

2. Oral participation by public attendees is encouraged during those times scheduled on the agenda; written statements may be submitted prior to the meeting or up to 30 days after the meeting.

Inquiries and notice of intent to attend the meeting may be addressed to Colonel John H. Cousins, Executive Secretary, Shoreline Erosion Advisory Panel, Kingman Building, Fort Belvoir, Virginia 22060, Telephone (202) 325-7000.

Dated: October 5, 1976.

By authority of the Secretary of the Army.

R. S. SEEBERG,
Acting Director, Administrative Management, TAGCEN.

[FR Doc.76-30571 Filed 10-18-76;8:45 am]

Office of the Secretary of Defense

DEFENSE SCIENCE BOARD TASK FORCE ON TEST AND EVALUATION POLICY

Advisory Committee Meeting

The Defense Science Board Task Force on Test and Evaluation Policy will meet

in closed session on 12 November 1976 in Room 1E801, #6, the Pentagon, Washington, D.C.

The overall mission of this Task Force is to advise the Secretary of Defense and the Director of Defense Research and Engineering on test and evaluation policies, and practices, and to provide guidance for any necessary modification of existing policies and directives so as to improve the efficiency of testing, and reduce the risks in the system acquisition process.

The Task Force will discuss interim findings and tentative recommendations with respect to the effect of test and evaluation policies on a number of equipment acquisition programs.

In accordance with Section 10(d) of Appendix I, Title 5, United States Code, it has been determined that this Task Force meeting concerns matters listed in Section 552(m) of Title 5 of the United States Code, specifically Subparagraph (1) thereof, and that accordingly this meeting will be closed to the public.

MAURICE W. ROCHE,
Director, Correspondence and Directives OASD (Comptroller).

OCTOBER 14, 1976.

[FR Doc.76-30619 Filed 10-18-76;8:45 am]

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

CONTROLLED SUBSTANCES IN SCHEDULES I AND II

Proposed 1976 Revised Aggregate Production Quota for Pethidine

Section 306 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 826) requires the Attorney General to establish aggregate production quotas for all controlled substances in Schedules I and II each year. This responsibility has been delegated to the Administrator of the Drug Enforcement Administration pursuant to § 0.100 of Title 28 of the Code of Federal Regulations.

On July 8, 1976, a notice of the final aggregate production quota for Pethidine was published in the FEDERAL REGISTER (41 FR 27980). This notice established the quota for 1976 for this substance at 11,095,000 grams (expressed in terms of anhydrous base).

The Drug Enforcement Administration continually monitors the manufacture and distribution of each of the substances for which quotas are established in relationship to the medical needs of the United States. This review of data has caused the Drug Enforcement Administration to conclude that the previously finalized aggregate production quota for Pethidine for 1976 is insufficient to meet the legitimate medical, research, export and inventory needs of the United States for 1976.

Therefore, the Administrator of the Drug Enforcement Administration under the authority vested in the Attorney General by section 306 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 826) and delegated to the Administrator by § 0.100 of Title 28 of the Code of Federal Regulations does hereby propose the following change of the aggregate production quota for 1976 for Pethidine, expressed in grams in terms of anhydrous base:

Basic class	Previously finalized 1976 aggregate production quota	Proposed revised 1976 aggregate production quota	Net change
Pethidine...	11,095,000	11,678,000	583,000

All interested persons are invited to submit their comments and objections in writing regarding this proposal. The comments or objections should state with particularity the issues concerning which the person desires to be heard. Comments and objections should be submitted in quintuplicate to the Administrator, Drug Enforcement Administration, United States Department of Justice, Washington, D.C. 20537, Attention: DEA Federal Register Representative, and must be received by November 19, 1976. If a person believes that one or more issues raised by him warrant a full adversary-type hearing, he should so state and summarize the reasons for his belief.

In the event that comments or objections to this proposal raise one or more issues which the Administrator finds, in his sole discretion, warrants a full adversary-type hearing, the Administrator shall order a public hearing in the FEDERAL REGISTER summarizing the issues to be heard and setting the time for the hearing (which shall not be less than 30 days after the date of publication).

Dated: October 12, 1976.

PETER B. BENSINGER,
Administrator, Drug Enforcement Administration.

[FR Doc.76-30569 Filed 10-18-76;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

DISTRIBUTEES AND MEMBERS OF GUIDIVILLE RANCHERIA, CALIF.

Ambrose Duncan, Jr., Dolly Duncan Case, Donald Duncan, and Phillip Duncan Not Terminated

OCTOBER 8, 1976.

This Notice is published in exercise of the authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2.

On February 20, 1976, a final Declaratory Judgment and Permanent Injunction was issued in the case of Ambrose Duncan, Jr., et al., v. Thomas S. Kleppe, et al., Defendants, No. C-73-0334, by Judge W. T. Sweigert, United States District Court, Northern District of California.

As to the individual plaintiffs in action No. C-73-0334, the court makes the following declaratory judgment pursuant to 28 U.S.C. § 2201:

Ambrose Duncan, Jr., Dolly Duncan Case, Donald Duncan and Phillip Duncan, plaintiffs in case No. 73-0334, retain their status as Indians under federal law, have not been 'terminated' pursuant to Section 10(b) of the California Rancheria Act (P.L. 85-671, 72 Stat. 619) as amended and must be removed from the Distribution Plan and Termination Notice of the Guidiville Indian Rancheria in Mendocino County, California. Defendant Secretary of the Interior is obligated forthwith to publish a notice in the Federal Register effecting the removal of said plaintiffs' means from the Guidiville Distribution Plan and Termination Notice. These plaintiffs must not be denied services or benefits provided by the United States to Indians because of their status as Indians on the ground that they have been terminated pursuant to section 10(b) of the Rancheria Act.

Notice is hereby given deleting the names of the following dependent members of the immediate family of distributee Grace Duncan from those listed in the September 3, 1965, Guidiville Rancheria Termination Notice (30 F.R. 11331) and the 1959 Guidiville distribution plan:

Deletion of dependent family members	Date of birth	Address	Relationship to distributee
Ambrose Duncan, Jr.	Aug. 9, 1947	P.O. Box 123, Talmage, Calif. 95481	Son.
Dolly Duncan Case	Jan. 7, 1949	P.O. Box 92, Willits, Calif. 95490	Daughter.
Donald Duncan	Jan. 21, 1950	P.O. Box 123, Talmage, Calif. 95481	Son.
Phillip Duncan	Dec. 22, 1952	P.O. Box 123, Talmage, Calif. 95481	Do.

Name of distributee—Grace Duncan.

This notice becomes effective October 19, 1976.

JOSE A. ZUNIL,
Acting Deputy Commissioner of Indian Affairs.

[FR Doc.76-30522 Filed 10-18-76;8:45 am]

Bureau of Land Management

NATIONAL AVISORY BOARD

Meeting

Notice is hereby given that the National Advisory Board of the Bureau of Land Management, Department of the Interior, will meet in the Albuquerque Inn, Albuquerque, New Mexico, November 14–17, 1976. Beginning at 6:30 p.m. on Sunday, November 14, the Steering Committee will meet. The next morning, November 15, the full Board will gather at 8:15 a.m. to hear the report of the Bureau Director, a report on new legislation, and briefings on topics before the Board for consideration and the development of recommendations. Committee work will follow, beginning at 1:30 p.m.,

and continue throughout the remainder of the day and evening. The committees and their assigned topics are:

Steering. Evaluate size, interests and disciplines represented, and balance of the National Advisory Board; make final recommendations for proposed 1977–78 rechartering.

Grazing Regulations. Evaluate and prepare recommendations on previously published proposed grazing regulations for lands administered by the Bureau of Land Management.

ORV Regulations. Evaluate and prepare recommendations on published proposed regulations for off-road-vehicle use of lands administered by the Bureau of Land Management.

Organic Act. Review new Organic Act, develop general, broad statements or recommendations for implementation of the Act.

All of Tuesday, November 16, will be devoted to committee work. November 17, the final day of the meeting, will involve full Board consideration of committee reports and discussion and voting upon recommendations.

All meetings of the Board and its committees will be open to the public. Time will be made available by each committee from 1:30 to 3:30 p.m. on Monday, November 15, for brief oral statements by the public on topics before those committees. Such statements are not to exceed 10 minutes and must be germane to the topics under consideration. Additionally, such statements are to be reduced to writing and at least two copies filed with the appropriate committee chairperson at the meeting. Anyone wishing to make an oral statement should notify the Public Affairs Officer, Bureau of Land Management, U.S. Department of the Interior, U.S. Post Office and Federal Building, South Federal Place (P.O. Box 1449), Santa Fe, New Mexico 87501, before the close of business on Friday, November 12, 1976. Such notification should specify the topic and committee to be addressed. To the extent that time permits within the alloted period, committee chairpersons may permit statements by persons in attendance who have not previously notified the Public Affairs Officer. The same rules, however, will apply—not to exceed 10 minutes, germane, reduction to writing, and the filing of two or more copies. Also, any interested person or organization may file a written statement with the Board for its consideration. Such may be submitted at the meeting or mailed to the Director (230), Bureau of Land Management, U.S. Department of the Interior, Washington, D.C. 20240. Early mailing is encouraged to ensure adequate opportunity for Board review.

Further information concerning the meeting may be obtained from the Bureau's Public Affairs Officer in Santa Fe, New Mexico. The telephone number is (505) 988–6316.

CURT BERKLUND,
Director.

OCTOBER 13, 1976.

[FR Doc.76–30523 Filed 10–18–76;8:45 am]

Geological Survey

GULF OF MEXICO AND PACIFIC AREAS

Disposal of Outer Continental Shelf Royalty Oil

On July 14, 1976, a notice was published in the FEDERAL REGISTER involving final procedures pertaining to the disposal of Outer Continental Shelf (OCS) royalty oil. It was stated in the notice that a list of "small refiners, along with each one's allocation, will be published in the FEDERAL REGISTER as soon as final determinations as to their qualifications have been made." The following is such a listing, divided into the two OCS Areas involving royalty oil.

PACIFIC AREA

Applicant	Allocation—BOPD
Beacon Oil Co	371
Edgington Oil Co	371
Edgington Oxnard Refinery	329
Fletcher Oil & Refining Co	372
Gladieux Refinery Inc	371
Kern County Refinery, Inc	371
Lunday-Thagard Oil Co	372
MacMillian Ring Free Oil Co., Inc	371
Newhall Refining Co	371
Powerine Oil Co	371
Pride Refining, Inc	371
Sabre Refining, Inc	371
San Joaquin Refining Co	371
Sunland Refining Corp	371
United Independent Oil Co	225
USA Petroleum Corp	371
U.S. Oil & Refining Co	371
West Coast Oil Co	371
Total	6,492

GULF OF MEXICO AREA

Applicant	Allocation—BOPD
Allied Materials Corp	2,235
Bayou State Oil Corp	1,949
Beacon Oil Co	792
Calumet Industries, Inc	1,329
Caribou Four Corners, Inc	1,463
Claiborne Gasoline Co	1,853
Cross Development Co	2,419
Crystal Oil Co	2,955
Crystal Refining Co./Lakeside Refining Co	1,853
Delta Refining Co	[1] 3,039
Dillman Oil Recovery, Inc	500
Edgington Oil Co	[2] 1,112
Edgington Oxnard Refinery	658
Evangeline Refining Co., Inc	1,853
Fletcher Oil & Refining Co	1,136
Giant Industries, Inc	1,853
Gladieux Refiner, Inc	1,482
Good Hope Refiners, Inc	3,706
Gulf States Oil & Refining Co	1,853
Howell Corp./Quintana Refining Co.	3,706
Hunt Oil Co	[1] 1,853
Indiana Farm Bureau Cooperative Association	[3] 3,706
J & W Refining Co	1,853
Kentucky Oil & Refining Co. Inc	1,800
Kern County Refining Inc	1,107
La Jet, Inc	3,600
Laketon Asphalt Refining Inc	1,853
Lunday-Thagard Oil Co	1,000
MacMillian Ring Free Oil Co., Inc	896
Marion Corp	3,706
Mid-America Refining Co., Inc	1,000
Midland Cooperatives, Inc	3,706
Mid-Tex Refining	[1] 1,853
Navajo Refining Co	1,853
Newhall Refining Co., Inc	1,060
OKC Corp	3,706
Pioneer Refining, Ltd	1,300
Powerine Oil	544
Pride Refining, Inc	1,803
The Refinery Corp	[3] 163
Rock Island Refining Corp	3,706
Saber Refining Co	1,900
Sabre Refining Inc	976
San Joaquin Refining Co	1,054
Seminole/Vulcan Asphalt	1,853
Somerset Oil, Inc	1,800
South Hampton Co	1,853
Southland Oil Co	[1] 1,853
Sunland Refining Corp	[3] 707
Texas Asphalt & Refining Co	[1] 1,853
Thriftway Co	1,853
Tonkawa Refining Co	1,853
Total Leonard Inc	[3] 1,853
USA Petrochem Corp	719
U.S. Oil & Refining Co	[2] 1,087
V–1 Oil Co	[1] 190
Warrior Asphalt Co. of Alabama	1,800
West Coast Oil Co	1,078
Young Refining Corp	1,853
Total	100,078

[1] Appealed.
[2] Withdrawn.
[3] Not qualified.

W. A. RADLINSKI,
Acting Director.

[FR Doc.76–30521 Filed 10–18–76;8:45 am]

National Park Service

NATIONAL REGISTER OF HISTORIC PLACES

Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before October 8, 1976. Pursuant to § 60.13(a) of 36 CFR Part 60, published in final form on January 9, 1976, written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the Keeper of the National Register, National Park Service, U.S. Department of the Interior, Washington, D.C. 20240. Written comments or a request for additional time to prepare comments should be submitted by 10 days after publication.

JERRY L. ROGERS,
Acting Chief, Office of Archeology and Historic Preservation.

ALASKA

Juneau Division

Juneau, *Bergmann Hotel*, 434 3rd St.
Taku Harbor vicinity, *Fort Durham Site*, N of Taku Harbor

Valdez-Chitina-Whittier Division

Paxson vicinity, *Paxson Lake Archeological Site*, S of Paxson.

CALIFORNIA

Santa Barbara County

New Cuyama vicinity, *Eastern Sierra Madre Ridge Archeological District*, S of New Cuyama.

COLORADO

Douglas County

Castle Rock, *Douglas County Courthouse*, 301 Wilcox St.

Jefferson County

Wheat Ridge, *Richards Mansion*, 5349 W. 27th Ave.

KENTUCKY

Hardin County

Elizabethtown vicinity, *Helm Place*, N of Elizabethtown on U.S. 31.

Jefferson County

Louisville, *Louisville Trust Building*, 208 S. 5th St.

Madison County

Richmond, *Downtown Richmond Historic District*, Main St. and Courthouse Square.

MISSISSIPPI

Adams County

Natchez vicinity, *Fair Oaks*, S of Natchez on U.S. 61.
Natchez vicinity, *Gloucester*, S of Natchez on Lower Woodville Rd.

Clay County

West Point vicinity, *Colbert and Barton Townsites*, 15 mi. E of West Point off MS 50.

NEW MEXICO

Eddy County

Carlsbad, *First National Bank of Eddy*, 303 W. Fox St.

NEW YORK

Clinton County

Rouses Point, *Fort Montgomery*.

New York County

New York, *Municipal Ferry Pier*, 11 South St.

NORTH CAROLINA

Burke County

Morganton, *North Carolina School for the Deaf: Main Building*, Fleming Dr. and U.S. 64.

Dare County

Nags Head, *Nags Head Cottages Historic District*, U.S. 158.

OHIO

Adams County

West Union, *West Union Presbyterian Church*, 108 S. 2nd St.

Ashtabula County

Conneaut, *Kilpi Hall*, 1025 Buffalo St.

Athens County

Gloucester vicinity, *Palos Covered Bridge*, 1 mi. N of Glouster off OH 13.
Truetown vicinity, *Kidwell Covered Bridge*, 1 mi. N of Truetown off OH 13 on Monsrat Rd.

Clinton County

Lumberton vicinity, *Hurley Mound*, W of Lumberton.
Oakland vicinity, *Hillside Haven Mound*, SW of Oakland.

Columbiana County

Columbiana, *Jones-Bowman House*, 540 Pittsburgh St.

Cuyahoga County

Cleveland Heights, *Fairmount Boulevard District*, Fairmount Blvd. between Wellington and Cedar Rd.

Defiance County

Defiance, *East Side Fire Station*, Douglas and Hopkins Sts.

Delaware County

Galena vicinity, *Curtiss, Marcus, Inn*, 3860 Sunbury Rd.

Fairfield County

Pickerington vicinity, *Blacklick Covered Bridge*, 3.5 mi. NW of Pickerington off 256 on Tussing Rd.

Knox County

Mt. Vernon, *Round Hill*, E. Pleasant and N. McKenzie Sts.

Lorain County

Lorain vicinity, *Burrell Fort*, N of Lorain.
Lorain vicinity, *Elden Prehistoric* District, N of Lorain.
Sheffield Lake vicinity, *Burrell Orchard Site*, S of Sheffield Lake on E. River Rd.

Lucas County

Toledo, *Vistula Historic District*, roughly bounded by Champlain, Summit, Walnut, and Magnolia Sts.

Miami County

Troy, *Dunlap, William K., House*, 16 E. Franklin St.
Troy, *First Presbyterian Church*, Franklin and Walnut Sts.

Ottawa County

Put-in-Bay, *Inselruhe*, Bayview Ave. and Chapman Rd., South Bass Island.

Portage County

Mantua, *Hine, Horace L., House*, 4024 W. Prospect St.

Richland County

Mansfield, *Kingwood Center*, 300 Park Ave. W.

Shelby County

Sidney, *Whitby Mansion*, 429 N. Ohio Ave.

Summit County

Akron vicinity, *Barker Village Site*, N. of Akron.

Wood County

Perrysburg and vicinity, *East River Road Historic District II*, between E. River Rd. and Maumee River.
Rossford vicinity, *East River Road Historic District I*, SW of Rossford between E. River Rd. and the Maumee River.

PUERTO RICO

Coamo, *Casco Antiguo de Coamo*, Plaza de Recreo and environs.
Guanica vicinity, *Faro de Guanica*, S of Guanica on Rte 333.
Ponce, *Casco Antiguo del Centro de Ponce*, Plaza Degetau and environs.
Ponce, *Zona Historica de la Playa de Ponce*, E of Avenue Hostos.
Yauco, *Casco Antiguo de Yauco*, Plaza de Recreo and environs.
Yauco a Guanica vicinity, *Casa de la Hacienda Santa Rita*, Carreta 116.

TEXAS

Harris County

Houston, *Mansfield Street Archeological Site*, Mansfield St.

VERMONT

Rutland County

Rutland, *Longfellow School*, 0 Church St.

Windham County

East Putney, *East Putney Brook Stone Arch Bridge*, spans East Putney Brook off River Rd.

Putney, *Sacketts Brook Stone Arch Bridge*, off U.S. 5 on Mill Rd.
Townshend vicinity, *Follett Stone Arch Bridge Historic District*, W of Townshend off VT 30.
Townshend vicinity, *Simpsonville Stone Arch Bridge*, N of Townshend on VT 35.
West Townshend, *West Townshend Stone Arch Bridge*, spans Tannery Brook.

[FR Doc.76-30224 Filed 10-18-76;8:45 am]

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

NATIONAL ADVISORY COUNCIL ON MATERNAL, INFANT AND FETAL NUTRITION

Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following Committee meeting:

Name: National Advisory Council on Maternal, Infant and Fetal Nutrition.
Date and time: October 27-23, 1976; 8:30 a.m.
Place: Mary C. Lee Hall, Arlington Hyatt House, 1325 Wilson Boulevard, Arlington, Virginia.
Purpose of meeting: The Council will study and discuss the operation of the Special Supplemental Food Program for Women, Infants and Children (WIC), and submit to the President and the Congress recommendations for administrative and legislative changes.
Proposed agenda: The agenda will cover an introduction to the WIC Program, a summary of the results of the WIC Program Detailed Medical Evaluation and Delivery Systems Evaluation, and discussion relevant to the operation of the WIC Program. The meeting will be open to the public.

Persons wishing to attend the meeting as observers, or wishing to submit written comments, should write to Gene P. Dickey, Director, Special Supplemental Food Division, Food and Nutrition Service, U.S. Department of Agriculture, Washington, D.C. 20250, telephone (202) 447-8206.

Dated: October 15, 1976.

RICHARD L. FELTER,
Assistant Secretary.

[FR Doc.76-30710 Filed 10-18-76;8:45 am]

DEPARTMENT OF COMMERCE

Bureau of the Census

CENSUS ADVISORY COMMITTEE OF THE AMERICAN MARKETING ASSOCIATION

Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C., Appendix I, (Supp. V, 1975)), notice is hereby given that the Census Advisory Committee of the American Marketing Association will convene on November 12, 1976 at 9:15 a.m. The Committee will meet in Room 2424, Federal Building 3 at the Bureau of the Census in Suitland, Maryland.

The Census Advisory Committee of the American Marketing Association was established in 1946 to advise the Director, Bureau of the Census, regarding the statistics that will help in marketing the Nation's products and services and on

ways to make the statistics the most useful to users.

The Committee is composed of 15 members appointed by the President of the American Marketing Association.

The agenda for the meeting is: 1) Topics of current interest at the Bureau of the Census; 2) Impact on Census programs of OMB guidelines on reducing paperwork; 3) Status of 1980 census planning; 4) Results of pilot survey of business uses of statistical information; 5) Status report on the Improved Business Surveys Program; and 6) Planning for the 1977 economic censuses, including summary findings of the recordkeeping practices survey, general status report, and major retail centers and subcity economic data.

The meeting will be open to the public and a brief period will be set aside for public comment and questions. Extensive questions or statements must be submitted in writing to the Committee Control Officer at least 3 days prior to the meeting.

Persons planning to attend and wishing additional information concerning this meeting or who wish to submit written statements may contact Mr. John R. Wikoff, Chief, Business Division, Bureau of the Census, Room 2633, Federal Building 3, Suitland, Maryland. (Mail address: Washington, D.C. 20233). Telephone (301) 763-7564.

Dated: October 14, 1976.

ROBERT L. HAGAN,
Acting Director,
Bureau of the Census.

[FR Doc.76-30570 Filed 10-18-76;8:45 am]

Domestic and International Business Administration

FOREIGN AVAILABILITY SUBCOMMITTEE OF THE COMPUTER SYSTEMS TECHNICAL ADVISORY COMMITTEE

Partially Closed Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. V, 1975), notice is hereby given that a meeting of the Foreign Availability Subcommittee of the Computer Systems Technical Advisory Committee will be held on Wednesday, November 10, 1976, at 1:00 p.m. in Room 3817, Main Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C.

The Computer Systems Technical Advisory Committee was initially established on January 3, 1973. On December 20, 1974, the Acting Assistant Secretary for Administration approved the recharter and extension of the Committee for two additional years, pursuant to section 5(c)(1) of the Export Administration Act of 1969, as amended, 50 U.S.C. App. Sec. 2404(c)(1) and the Federal Advisory Committee Act. The Foreign Availability Subcommittee of the Computer Systems Technical Advisory Committee was established on July 8, 1975, with the approval of the Director, Office of Export Administration, pursuant to the charter of the Committee.

The Committee advises the Office of Export Administration, Bureau of East-West Trade, with respect to questions involving technical matters, world-wide availability and actual utilization of production and technology, and licensing procedures which may affect the level of export controls applicable to computer systems, including technical data related thereto, and including those whose export is subject to multilateral (COCOM) controls. The Foreign Availability Subcommittee was formed to ascertain if certain kinds of equipment are available in non-COCOM and Communist bloc countries, and if such equipment is available, then to ascertain if it is technically the same or similar to that available elsewhere.

The Subcommittee meeting agenda has four parts:

GENERAL SESSION

(1) Opening remarks by the Subcommittee Chairman.

(2) Presentation of papers or comments by the public.

(3) Further review of technical evaluations on foreign availability provided by industry/government and discussion thereof.

EXECUTIVE SESSION

(4) Discussion of matters properly classified under Executive Order 11652, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

The General Session of the meeting is open to the public, at which a limited number of seats will be available. To the extent time permits members of the public may present oral statements to the Subcommittee. Written statements may be submitted at any time before or after the meeting.

With respect to agenda item (4), the Acting Assistant Secretary of Commerce for Administration, with the concurrence of the delegate of the General Counsel, formally determined on November 25, 1975, pursuant to Section 10(d) of the Federal Advisory Committee Act that the matters to be discussed in the Executive Session should be exempt from the provisions of the Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552(b)(1), i.e., it is specifically required by Executive Order 11652 that they be kept confidential in the interest of the national security. All materials to be reviewed and discussed by the Subcommittee during the Executive Session of the meeting have been properly classified under the Executive Order. All Subcommittee members have appropriate security clearances.

Copies of the minutes of the open portion of the meeting will be available upon written request addressed to the Freedom of Information Officer, Domestic and International Business Administration, Room 3100, U.S. Department of Commerce, Washington, D.C. 20230.

For further information, contact Mr. Charles C. Swanson, Director, Operations Division, Office of Export Administration, Domestic and International Business Administration, Room 1617M, U.S. Department of Commerce, Washington, D.C. 20230, telephone: A/C 202-377-4196.

The complete Notice of Determination to close portions of the series of meetings of the Computer Systems Technical Advisory Committee and of any subcommittees thereof, was published in the Federal Register on December 5, 1975 (40 FR 56960).

Date: October 12, 1976.

RAUER H. MEYER,
Director, Office of Export Administration, Bureau of East-West Trade.

[FR Doc.76-30520 Filed 10-18-76;8:45 am]

LICENSING PROCEDURES SUBCOMMITTEE OF THE COMPUTER SYSTEMS TECHNICAL ADVISORY COMMITTEE

Open Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. V, 1975), notice is hereby given that a meeting of the Licensing Procedures Subcommittee of the Computer Systems Technical Advisory Committee will be held on Wednesday, November 10, 1976, at 9:00 a.m. in Room 3817, Main Commerce Building, 14th and Constitution Avenue, NW., Washington, D.C.

The Computer Systems Technical Advisory Committee was initially established on January 3, 1973. On December 20, 1974, the Acting Assistant Secretary for Administration approved the recharter and extension of the Committee for two additional years, pursuant to section 5(c)(1) of the Export Administration Act of 1969, as amended, 50 U.S.C. App. Sec. 2404(c)(1) and the Federal Advisory Committee Act. The Licensing Procedures Subcommittee of the Computer Systems Technical Advisory Committee was initially established on February 4, 1974. On July 8, 1975, the Director, Office of Export Administration, approved the reestablishment of this Subcommittee, pursuant to the charter of the Committee.

The Committee advises the Office of Export Administration, Bureau of East-West Trade, with respect to questions involving technical matters, world-wide availability and actual utilization of production and technology, and licensing procedures which may affect the level of export controls applicable to computer systems, including technical data related thereto, and including those whose export is subject to multilateral (COCOM) controls. The Licensing Procedures Subcommittee was formed to review the procedural aspects of export license applications within the Office of Export Administration and recommend areas where improvements can be made.

The agenda for the meeting is:

(1) Opening remarks by the Acting Subcommittee Chairman.

(2) Presentation of papers or comments by the public.

(3) Nomination and election of a new Subcommittee Chairman.

(4) Discussion of future activities of the Subcommittee.

The meeting will be open for public observation and a limited number of seats will be available. To the extent time permits members of the public may present oral statements to the Subcommittee. Written statements may be submitted at any time before or after the meeting.

Copies of the minutes of the meeting will be available upon written request addressed to the Freedom of Information Officer, Room 3100, Domestic and International Business Administration, U.S. Department of Commerce, Washington, D.C. 20230.

For further information, contact Mr. Charles C. Swanson, Director, Operations Division, Office of Export Administration, Domestic and International Business Administration, Room 1617M, U.S. Department of Commerce, Washington, D.C. 20230, telephone: A/C 202-377-4196.

Date: October 12, 1976.

RAUER H. MEYER,
Director, Office of Export Administration, Bureau of East-West Trade.

[FR Doc.76-30519 Filed 10-18-76;8:45 am]

WAFER PROCESSING SUBCOMMITTEE OF THE SEMICONDUCTOR MANUFACTURING AND TEST EQUIPMENT TECHNICAL ADVISORY COMMITTEE

Partially Closed Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. V, 1975), notice is hereby given that a meeting of the Wafer Processing Subcommittee of the Semiconductor Manufacturing and Test Equipment Technical Advisory Committee will be held on Thursday, November 11, 1976 at 9:30 a.m. in Room 3814B, Main Commerce Building, 14th and Constitution Avenue, NW., Washington, D.C.

The Semiconductor Manufacturing and Test Equipment Technical Advisory Committee was initially established on January 3, 1973. On December 20, 1974, the Acting Assistant Secretary for Administration approved the recharter and extension of the Committee for two additional years, pursuant to section 5(c)(1) of the Export Administration Act of 1969, as amended, 50 U.S.C. App. Sec. 2404(c)(1) and the Federal Advisory Committee Act. The Wafer Processing Subcommittee of the Semiconductor Manufacturing and Test Equipment Technical Advisory Committee was established on March 3, 1976, by the Director, Office of Export Administration, pursuant to the charter of the Committee.

The Committee advises the Office of Export Administration, Bureau of East-West Trade, with respect to questions involving technical matters, worldwide availability and actual utilization of production and technology, and licensing procedures which may affect the level of export controls applicable to semiconductor manufacturing and test equipment, including technical data related thereto, and including those whose export is subject to multilateral (COCOM) controls. The Wafer Processing Subcommittee was formed to provide advice to the Committee with respect to processes and processing equipment including but not limited to cleaning wafer surfaces, applying resist materials, and developing circuit patterns.

The Subcommittee meeting agenda has four parts:

GENERAL SESSION

(1) Opening remarks by the Subcommittee Chairman.

(2) Presentation of papers or comments by the public.

(3) General discussion of reports on equipment analyses.

EXECUTIVE SESSION

(4) Discussion of matters properly classified under Executive Order 11652, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

The General Session of the meeting is open to the public, at which a limited number of seats will be available. To the extent time permits members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting.

With respect to agenda item (4), the Assistant Secretary of Commerce for Administration, with the concurrence of the delegate of the General Counsel, formally determined on November 25, 1975, pursuant to section 10(d) of the Federal Advisory Committee Act that the matters to be discussed in the Executive Session should be exempt from the provisions of the Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552(b)(1), i.e., it is specifically required by Executive Order 11652 that they be kept confidential in the interest of the national security. All materials to be reviewed and discussed by the Subcommittee during the Executive Session of the meeting have been properly classified under the Executive Order. All Subcommittee members have appropriate security clearances.

Copies of the minutes of the open portion of the meeting will be available upon written request addressed to the Freedom of Information Officer, Room 3100, Domestic and International Business Administration, U.S. Department of Commerce, Washington, D.C. 20230.

For further information, contact Mr. Charles C. Swanson, Director, Operations Division, Office of Export Administration, Domestic and International Business Administration, Room 1617M, U.S. Department of Commerce, Washington, D.C. 20230, telephone: A/C 202-377-4196.

The complete Notice of Determination to close portions of the series of meetings of the Semiconductor Manufacturing and Test Equipment Technical Advisory Committee and of any subcommittees thereof, was published in the FEDERAL REGISTER on January 30, 1976 (41 FR 4623).

Date: October 12, 1976.

LAWRENCE J. BRADY,
Acting Director, Office of Export Administration, Bureau of East-West Trade.

[FR Doc.76-30518 Filed 10-18-76;8:45 am]

Economic Development Administration
Office of Planning and Program Support

TIARA FOOTWEAR, INC.

Petition for a Determination of Eligibility Under Section 251 of the Trade Act of 1974

A petition by Tiara Footwear, Inc., Main Street, Dover, New Hampshire 03820, a manufacturer of women's footwear, was accepted for filing on October 12, 1976, under section 251 of the Trade Act of 1974 (Pub. L. 93-618). Consequently, the United States Department of Commerce has initiated an investigation to determine whether increased imports into the United States of articles like or directly competitive with those produced by the firm contributed importantly to total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of the petitioning firm.

Any party having a substantial interest in the proceedings may request a public hearing on the matter. A request for a hearing must be received by the Chief, Trade Act Certification Division, Economic Development Administration, U.S. Department of Commerce, Washington, D.C. 20230, no later than the close of business on or before October 29, 1976.

CHARLES L. SMITH,
Acting Chief, Trade Act Certification Division, Office of Planning and Program Support.

[FR Doc.76-30551 Filed 10-18-76;8:45 am]

Maritime Administration

CONSTRUCTION OF TWO 300-FOOT HEAVY LIFT CARGO VESSELS MA DESIGN C1-MT-123a

Computation of Foreign Cost; Notice of Intent

Notice is hereby given of the intent of the Maritime Subsidy Board, pursuant to the provisions of Section 502(b) of the Merchant Marine Act, 1936, as amended, to compute the estimated foreign cost of the construction of two 300-foot heavy lift cargo vesels, MA Design C1-MT-123a.

Any person, firm or corporation having any interest (within the meaning of Section 502(b)) in such computations may file written statements by the close of business on November 24, 1976, with the Secretary, Maritime Subsidy Board, Maritime Administration, Room 3099B, Department of Commerce Building, 14th

& E Streets, N.W., Washington, D.C. 20230.

By order of the Maritime Subsidy Board Maritime Administration.

Dated: October 14, 1976.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.76-30643 Filed 10-18-76;8:45 am]

National Oceanic and Atmospheric Administration

NEW ENGLAND REGIONAL FISHERY MANAGEMENT COUNCIL

Public Meeting

Notice is hereby given of a meeting of the New England Regional Fishery Management Council established by section 302 of the Fishery Conservation and Management Act of 1976 (Pub. L. 94-265).

The New England Regional Fishery Management Council will have authority, effective March 1, 1977, over fisheries within the fishery conservation zone adjacent to the States of Maine, New Hampshire, Massachusetts, Rhode Island, and Connecticut. The Council will, among other things, prepare and submit to the Secretary of Commerce fishery management plans with respect to fisheries within its area of authority, prepare comments on applications for foreign fishing, and conduct hearings as it deems necessary.

This meeting of the Council will be held on November 8, 9, and 10, 1976, 10 a.m.-5 p.m.; 9 a.m.-5 p.m.; 9 a.m.-3 p.m., respectively, at the Holiday Inn, Totten Pond Road (Exit 48E off 128), Waltham, Massachusetts.

PROPOSED AGENDA

November 8—Review of U.S./Canadian boundary negotiations.
November 9, 10—open meeting—Budget Review of Preliminary Management Plans, and Other Management Business.

This meeting is open to the public and there will be seating for approximately 30 public members available on a first-come, first-serve basis. Members of the public having an interest in specific items for discussion are also advised that agenda changes are at times made prior to the meeting. Interested members of the public should contact Mr. Donald G. Birkholz, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, State Fish Pier, Gloucester, Massachusetts 01930 on or about 10 days before the meeting to receive information on changes in the agenda, if any.

At the discretion of the Council, interested members of the public may be permitted to speak at times which will allow the orderly conduct of Council business. Interested members of the public who wish to provide written comments should do so by submitting them to Mr. Birkholz at the above address. To receive due consideration and facilitate inclusion of these comments in the record of the meeting, typewritten statements should be received within 10 days after the close of the Council meeting.

Dated: October 15, 1976.

JACK W. GEHRINGER,
Deputy Director,
National Marine Fisheries Service.

[FR Doc.76-30777 Filed 10-18-76;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Alcohol, Drug Abuse, and Mental Health Administration

ADVISORY COMMITTEES

Renewals

Pursuant to the Federal Advisory Committee Act of October 5, 1972 (5 U.S.C. Appendix I), the Alcohol, Drug Abuse, and Mental Health Administration announces the renewal by the Secretary, Department of Health, Education, and Welfare, with the concurrence of the Office of Management and Budget Committee Management Secretariat, of the following advisory committees:

Community Alcoholism Services Review Committee.
Epidemiologic Studies Review Committee.
Paraprofessional Manpower Development Review Committee (formerly, Paraprofessional Training Review Committee).
Psychiatric Nursing Education Review Committee (formerly, Psychiatric Nursing Training Review Committee).
Psychiatry Education Review Committee (formerly, Psychiatry Training Review Committee).
Psychology Education Review Committee (formerly, Psychology Training Review Committee).
Social Work Education Review Committee (formerly, Social Work Training Review Committee).

Authority for these committees will expire September 30, 1977, unless the Secretary formally determines that continuance is in the public interest.

Dated: October 13, 1976.

JAMES D. ISBISTER,
Administrator, Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc.76-30528 Filed 10-18-76;8:45 am]

Food and Drug Administration

ENDOCRINOLOGY AND METABOLISM ADVISORY COMMITTEE

Meeting Correction

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. I)), the Food and Drug Administration announced in a notice published in the FEDERAL REGISTER of September 16, 1976 (41 FR 39819), public advisory committee meetings and other required information in accordance with provisions set forth in section 10(a) (1) and (2) of the act.

Notice is hereby given that the Endocrinology and Metabolism Advisory Committee will discuss the safety aspects of Phenformin in open session from 9 a.m. to 4 p.m. on October 21 at the Parklawn Building, Rockville, MD, in Conference Rooms G and H. On October 22, as stated in the original announcement, the committee will discuss NDA 17-831 in a closed deliberative session.

Dated: October 15, 1976.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.76-30722 Filed 10-18-76;8:45 am]

HISTOCOMPATIBILITY WORKSHOP

Public Meeting

The Food and Drug Administration announces a public meeting on November 11, 1976 to give all interested persons an opportunity to participate in a histocompatibility workshop to explore the possibility of identifying one simple, reliable and uniform method of tissue typing to be used for commercially produced leukocyte-typing serum. Current regulations and guidelines for further modifications and changes based on recent scientific developments in the rapidly growing and complex field of leukocyte typing will also be considered.

The program will specifically deal with the following areas: (1) common leukocyte-typing procedure, (2) requirements for serum testing, (3) requirements for serum production, and (4) miscellaneous items, e.g., standardization of reagents.

Any person who wants further information or who wants to make a formal presentation at the histocompatibility workshop should contact Kamal Mittal, Ph. D., Rm. 232, Bldg. 29, 8800 Rockville Pike, Bethesda, MD 20014, 301-496-5241.

The meeting will be held from 8 a.m. to 5 p.m., Thursday, November 11, 1976, in Rm. 115, Bldg. 29, National Institutes of Health, 8800 Rockville Pike, Bethesda, MD.

Dated: October 13, 1976.

JOSEPH P. HILE,
Acting Associate Commissioner for Compliance.

[FR Doc.76-30713 Filed 10-18-76;8:45 am]

Health Resources Administration

ADVISORY COMMITTEES

Filing of Annual Reports

Notice is hereby given that pursuant to section 13 of Public Law 92-463, the Annual Report for the following Health Resources Administration committees has been filed with the Library of Congress:

Cooperative Health Statistics Advisory Committee.
Federal Hospital Council.
Health Care Technology Study Section.
Health Services Developmental Grants Study Section.
Health Services Research Study Section.
National Advisory Council on Health Professions Education.
National Advisory Council on Regional Medical Programs.
National Advisory Public Health Training Council.

Nursing Research and Education Advisory Committee.
United States National Committee on Vital and Health Statistics.

Copies are available to the public for inspection at the Library of Congress, Special Forms Reading Room, Main Building, or weekdays between 9:00 a.m. and 4:30 p.m. at the Department of Health, Education, and Welfare, Department Library, North Building, Room 1436, 300 Independence Avenue, S.W., Washington, D.C., 20201, Telephone (202) 245–6791.

Dated: October 13, 1976.

JAMES A. WALSH,
Associate Administrator for Operations and Managements.

[FR Doc.76-30530 Filed 10-18-76;8:45 am]

ADVISORY COMMITTEES

Meetings

In accordance with section 10(a) (2) of the Federal Advisory Committee Act (Public Law 92–463), announcement is made of the following National Advisory bodies scheduled to assemble during the month of November 1976:

Name: Health Services Research Study Section.
Date and time: November 8–10, 1976, 3:00 p.m.
Place: The Cartwright Hotel, 524 Sutter Street, San Francisco, California 94101.
Open: November 8, 3:00 p.m.–4:30 p.m.
Closed: For remainder of meeting.
Purposes: The Study Section is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Center for Health Services Research.
Agenda: Agenda items for the open portion of the meeting will cover administrative matters and reports; minutes of previous meeting; and establishment of future meeting dates. The remainder of the meeting will be closed to the public for the review of research grant applications relating to the delivery, organization, and financing of health services, in accordance with the provisions set forth in section 552(b)(5) and (6), Title 5, U.S. Code and the Determination by the Administrator, Health Resources Administration, pursuant to Public Law 92–463.

Anyone wishing to obtain a roster of members, minutes of meeting, or other relevant information should contact Mr. Hoke S. Glover, Room 15–19, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20852, Telephone (301) 443–2920.

Name: National Advisory Council on Health Professions Education.
Date and Time: November 8–9, 1976, 8:30 a.m.
Place: Conference Room No. 7, Building 31, 6th Floor, C–Wing, National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20014.
Open: For entire meeting.
Purpose: The Council advises the Secretary with respect to the administration of programs of financial assistance for the health professions and makes recommendations based on its review of applications requesting such assistance.
Agenda: The Council will meet to formulate a position on the granting of funds for financial distress and for start-up costs, to consider a progress report on the Special Health Career Opportunity Grant Program, to discuss open Council meetings, and to review operating procedures of the Council and pending health manpower legislation.

Any one wishing to obtain a roster of members, minutes of meeting, or other relevant information should contact Mrs. Lynn Stevens, Room 4C–02, Building 31, 9000 Rockville Pike, Bethesda, Maryland 20014, Telephone (301) 496–6601. Public seating is limited. Please contact at least 72 hours before the meeting.

Name: United States National Committee on Vital and Health Statistics.
Date and time: November 8–9, 1976, 9:00 a.m.
Place: Wardman Towers Conference Center, Sheraton-Park Hotel, 2660 Woodley Road, NW., Washington, D.C. 20008.
Open: For entire meeting.
Purpose: The Secretary and by delegation the Assistant Secretary for Health and the Director, National Center for Health Statistics, are charged under section 306 of the Public Health Service Act, as amended, 42 USC 242k, with the responsibility to collect, analyze and disseminate national health statistics on vital events and health activities, including the physical, mental, and physiological characteristics of the population, illness, injury, impairment, the supply and utilization of health facilities and manpower, the operation of the health services system, health economic expenditures, and changes in the health status of people; administer the Cooperative Health Statistics System; stimulate and conduct basic and applied research in health data systems and statistical methodology; coordinate the overall health statistical activities of the programs and agencies of the Health Resources Administration and provide technical assistance in the management of statistical information; maintain operational liaison with statistical gathering and processing services of other health agencies, public and private, and provide technical assistance within the limitation of staff resources, research, consultation and training programs in international statistical activities; and participate in the development of national health policy with Federal agencies.
Agenda: The Committee will receive reports including a progress report on statistics needed for determining health effects on environmental conditions; ICD–9; and development of minimum data sets for ambulatory medical care, manpower and facilities, long term care and uniform hospital discharge. The next Annual Report to Congress on Health of the Nation will also be discussed.

Anyone wishing to obtain a roster of members, minutes of the meetings, or other relevant information should contact Mr. James E. Smith, Room 8–23, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20852, Telephone (301) 443–1470.

Agenda items are subject to change as priorities dictate.

Dated: October 13, 1976.

JAMES A. WALSH,
Associate Administrator for Operations and Management.

[FR Doc.76-30529 Filed 10-18-76;8:45 am]

Office of Education

TITLE I AUDIT APPEAL

Acceptance of Application for Appeal

Notice is hereby given that, pursuant to the Notice establishing the Title I Audit Hearing Board (37 FR 23002, October 27, 1972, as amended by 41 FR 28568, July 12, 1976), an application for an appeal before the Board has been received from the State of Wisconsin and it has met the jurisdictional requirements of section 5 of the Notice establishing the Board. The Docket Number is 8–(23)–76. The Audit Control Number is 05–40070.

The appeal involves the allowability of specified expenditures of funds for programs under Title I of the ESEA for the period September 1, 1967, through August 31, 1972. The appeal involves questions of whether Title I funds were used to supplant, rather than to supplement, State and local funds; whether Title I projects were designed primarily to meet the special educational needs of educationally deprived children in the project areas; and related questions. The local education agencies involved are Milwaukee, Green Bay, Racine, and Madison. The sum of money involved is $3,319,989.

The prehearing conference will be held at 10:30 a.m. on December 14, 1976, in Room 4173, 400 Maryland Avenue, SW., Washington, D.C.

Section 7(c) of the Notice setting up the Board provides:

(c) Intervention by third parties. (1) Interested third parties may, upon application to the Board Chairman, intervene in proceedings conducted under this notice. Such application must indicate to the satisfaction of the Board Chairman that the intervener has information relative to the specific issues raised by the final audit determination and that such information will be useful to the Hearing Panel in resolving those issues.

(2) When third parties are given leave to intervene in accordance with subparagraph (1) above, such parties shall be afforded the same opportunities as other parties to present written materials, to participate in informal conferences, to call witnesses, to cross-examine other witnesses, and to be represented by counsel.

All such applications for intervention will be considered if received on or before December 1, 1976.

(20 U.S.C. 241a, 1232c.)

(Catalog of Federal Domestic Assistance Numbers 13.427, Educationally Deprived Children—Handicapped (P.L. 89–313); 13.428, Educationally Deprived Children—Local Educational Agencies; 13.429, Educationally Deprived Children—Migrants; 13.430, Educationally Deprived Children—State Administration; 13.431, Educationally Deprived Children in State Administered Institutions Serving Neglected or Delinquent Children.)

Dated: October 13, 1976.

ROBERT R. WHEELER,
Acting U.S. Commissioner of Education.

[FR Doc.76-30394 Filed 10-18-76;8:45 am]

Office of the Secretary

ADVISORY COUNCIL ON EDUCATION STATISTICS

Meeting

Notice is hereby given, pursuant to P.L. 92–463, that a meeting of the Advisory Council on Education Statistics will be held on November 9, 1976, from 9:00 a.m. to 4:45 p.m., in Salon A of the Crystal City Marriott Hotel, 1999 Jefferson Davis Highway, Arlington, Virginia 22202. The meeting will be continued on November 10, from 9:00 a.m. to 4:30 p.m., at the same location.

The Advisory Council on Education Statistics is mandated by Section 406(c) of the General Education Provisions Act as added by Section 501(a) of the Education Amendments of 1974, P.L. 93–380 (20 USC 1221e–1(c)), to advise the Secretary of the Department of Health, Education, and Welfare and the Assistant Secretary for Education, and the National Center for Education Statistics (NCES); and "shall review general policies for the operation of the Center and shall be responsible for establishing standards to ensure that statistics and analyses disseminated by the Center are of high quality and are not subject to political influence."

The meeting agenda will include the swearing in of one new Council member; a summary of NCES responses to previous Council discussions; a review of the NCES program for fiscal year 1978; a discussion of the pros and cons of the collection by NCES of program and compliance data; and a review of future Council agenda items.

The meeting is open to the public; however, because of limited accommodations, those members of the public wishing to attend should make reservations by writing, no later than November 1, 1976, to:

Executive Director, Advisory Council on Education Statistics, Room 3033–D, FOB–6, 400 Maryland Avenue, SW., Washington, D.C. 20202.

Records shall be kept of all Council proceedings and shall be available for public inspection in the Office of the Administrator, National Center for Education Statistics, located at 400 Maryland Avenue, SW., Washington, D.C. 20202.

Signed at Washington, D.C. on October 14, 1976.

MARIE D. ELDRIDGE,
Administrator, National Center for Education Statistics.

[FR Doc.76–30597 Filed 10–18–76;8:45 am]

Office of Assistant Secretary for Health

PRESIDENT'S COUNCIL ON PHYSICAL FITNESS AND SPORTS

Meeting

The President's Council on Physical Fitness and Sports will hold its quarterly meeting on November 16–17, 1976. The meetings will be held from 9:30 a.m.–5:00 p.m. on Tuesday and Wednesday, November 16–17, in Room 474, Old Executive Office Building, 17th and Pennsylvania Avenue, NW., Washington, D.C.

The purpose of the meeting is to discuss FY 1978 program developments and proposals.

A list of the Council members and the Executive Order, dated September 25, 1970, establishing their responsibilities may be obtained from:

Mr. C. Carson Conrad, Executive Director, President's Council on Physical Fitness and Sports, Washington, D.C. 20201. Telephone: 202–755–7947

The meeting will be open to the public.

Dated: October 6, 1976.

V. L. NICHOLSON,
Acting Executive Secretary, President's Council on Physical Fitness and Sports.

[FR Doc.76–30587 Filed 10–18–76;8:45 am]

Social Security Administration

PAYMENT OF AMOUNTS DUE TO MEDICARE INTERMEDIARIES AND CARRIERS FOR THEIR ADMINISTATIVE COSTS

Modifications in Redelegations of Authority to Determine and Authorize

Pursuant to sections 1816(c) (Intermediaries) and 1842(c) (Carriers) of the Social Security Act, as amended (the Act), 42 U.S.C. 1395h(c) and 1395u(c) respectively, the Secretary of Health, Education, and Welfare is required to provide for the payment to Medicare intermediaries and carriers of so much of their costs of administration of Parts A and B of title XVIII of the Act as is determined to be necessary and proper for carrying out functions covered by their agreements/contracts with the Secretary under sections 1816(c) and 1842(c) of the Act. Authority to implement sections 1816(c) and 1842(c) of the Act has been delegated by the Secretary to the Commissioner of Social Security (33 FR 5836–37), with authority to redelegate. The Commissioner has since redelegated such authority to appropriate Social Security Administration (SSA) officials at various times, and has made certain modifications in such redelegations, as required.

I. Notice is hereby given that the Commissioner has rescinded all prior redelegations of authority to determine and authorize payment of amounts due to Medicare intermediaries and carriers for their administrative costs.

II. Notice is also hereby given that the Commissioner has concurrently replaced previous redelegations of the subject authority as follows:

A. *Authority.*—Pursuant to sections 1816(c) and 1842(c) of the Social Security Act, as amended (the Act), 42 U.S.C. 1395h(c) and 1395u(c) respectively, authority, as indicated below, to determine and authorize payment of amounts due to Medicare intermediaries and carriers for the necessary and proper costs of administration incurred or expected to be incurred by them in the proper discharge of their functions under Parts A and B of title XVIII of the Act, including authority to determine the times and manner of payment and authority to negotiate and approve (or disapprove) budgets and closing agreements.

NOTE.—For purposes of these redelegations, the term "intermediaries and carriers" means single State intermediaries and carriers; multistate intermediaries and carriers operating in a single region; participating Blue Cross Plans; intermediaries and carriers operating in more than one region; the Blue Cross Association; and subcontracting Blue Cross Plans.

B.

Delegates	*Scope of authority*
1. Deputy Commissioner of Social Security.	1. Cases involving any type of intermediary or carrier, without restriction.
2. Associate Commissioner for Management and Administration, and Deputy Associate Commissioner for Management and Administration.	2. As appropriate to the functional responsibilities of SSA's Office of Management and Administration, cases involving any type of intermediary or carrier.
3. Director, Bureau of Health Insurance.	3. As appropriate to the functional responsibilities of SSA's Bureau of Health Insurance, cases involving any type of intermediary or carrier.
4. Chief, Contract Financial Management Branch, Division of Contractor Operations, Bureau of Health Insurance.	4. As appropriate to the functional responsibilities of the contract financial management branch, division of contractor operations, Bureau of Health Insurance, cases involving any type of intermediary or carrier.
5. Regional representatives and deputy regional representatives, health insurance.	5. As appropriate to to the functional responsibilities of regional offices of the Bureau of Health Insurance, cases involving any type of intermediary or carrier, except the Blue Cross Association.
6. All intervening positions in the direct line of supervision between the positions specified in items 3. and 4. above.	6. As appropriate to the functional responsibilities of the Bureau of Health Insurance component which is headed by the particular delegate, cases involving any type of intermediary or carrier

C. *Condition.*—The subject authority may not be further redelegated, except that, upon receipt of formal concurrence from the Director, Bureau of Health Insurance, Regional Representatives,

Health Insurance, may further redelegate their authority to other positions in Bureau of Health Insurance Regional Offices at or above the Program Officer level.

III. The rescissions and concurrent redelegations of the subject authority specified in sections I and II above, respectively, are effective as of the date that this notice thereof is published in the FEDERAL REGISTER.

Dated: October 12, 1976.

J. B. CARDWELL,
Commissioner of Social Security.

[FR Doc.76-30588 Filed 10-18-76;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Waiver Petition PB-75-1]

POWER BRAKE EQUIPMENT TESTING

Notice of Public Conference

The Federal Railroad Administration (FRA) has been considering a request submitted by the Norfolk and Western Railway Company (N&W) for test authority to conduct a limited study and evaluation of the service life reliability of specific types of power brake equipment. The request for test authority is identified as FRA Waiver Petition No. PB-75-1 since it involves a temporary waiver of compliance with the testing and repair requirements of 49 CFR 232.17 (a) (1) and (b).

Following public notice (41 FR 23485), FRA held a public hearing in this proceeding on July 15, 1976 in order to permit the oral presentation of comments or views on this proposed test program in addition to the submission of written comments. In response to the public notice, FRA has received considerable comment on the advisability of conducting such a test program and some comment on the terms and conditions which should be applicable if FRA determines that is appropriate to institute such a test program.

The Administrator of the FRA has delegated to the Railroad Safety Board (Board) the responsibility to consider waivers of compliance with standards and regulations issued by the FRA (FRA Order No .100.14c). Pursuant to its delegated authority, the Board has reviewed the available information to determine the proper course of action to be taken in this proceeding.

The data available to the Board indicates that a waiver of compliance, to permit this test, is warranted. To date, the Board has learned of no reason why the initiation of this test program would impinge on the safety of N&W operations, if appropriate terms and conditions for the test program are strictly adhered to.

The Railroad Safety Board has formulated a number of terms and conditions which it contemplates imposing as provisions of an order permitting the initiation of this test program. The Board desires to obtain the comments and views of all interested parties on the suitability of the terms and conditions which it contemplates should be imposed in this proceeding.

In furtherance of the effort to refine the appropriateness of the contemplated terms and conditions the Board will hold a public conference. Accordingly, a public conference is hereby set for 10:00 a.m. on November 30, 1976 in Room 4436, Nassif Building, 400 Seventh Street, S.W., Washington, D.C.

The public conference will be an informal one conducted by a representative designated by the Board. The Board's representative will make an opening statement outlining the scope of the conference and the details of the Board's tentative terms and conditions. The conference will not be an adversary proceeding and any necessary procedures for the conduct of the conference will be announced at the conference.

The Board believes that the type of test authority requested by N&W is a proper method for acquiring data which is relevant to the safe service life of power brake equipment. The acquisition of such data will permit FRA to assess more fully the current regulatory provisions which are designed to ensure the safe operation of such equipment.

The Board does not believe that a single, isolated test, regardless of the quality or significance of the results, will provide sufficient data for a significant revision of the current regulations. The Railroad Safety Board, therefore, solicits the comments and views of all interested parties on this aspect of the proceeding. Detailed information on the scope of the needed information and proposals on how to acquire that additional data is desired at the conference.

This notice is issued under the authority of section 202, 84 Stat. 971, 45 U.S.C. 431; and § 1.49(n) of the regulations of the Office of the Secretary of Transportation 49 CFR 1.49(n).

Issued in Washington, D.C. on October 8, 1976.

DONALD W. BENNETT,
Chairman,
Railroad Safety Board.

[FR Doc.76-30512 Filed 10-18-76;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket 27813; Agreement C.A.B. 26144; Order 76-10-45]

INTERNATIONAL AIR TRANSPORT ASSOCIATION AGREEMENT

Order

Issued under delegated authority October 8, 1976.

Agreement adopted by the Composite Passenger Traffic Conferences of the International Air Transport Association relating to construction rules for passenger fares.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers, and other carriers embodied in the resolutions of the Traffic Conferences of the International Air Transport Association (IATA). The agreement, adopted at the Composite Passenger Traffic Conference held in Miami during September 1976, has been assigned the above-designated C.A.B. agreement number.

The agreement amends the definition of economy-class service within the United States and on transborder Canada-United States routes for use in constructing through, international economy fares to include Boeing-737 aircraft with six seats abreast. We will approve the agreement, as it more fully reflects the types of aircraft currently being flown in transborder and domestic service.

Pursuant to authority duly delegated by the Board in the Board's Regulations, 14 CFR 385.14, it is not found that the subject agreement is adverse to the public interest or in violation of the Act, provided that approval is subject to conditions previously imposed by the Board.

Accordingly, *It Is ordered,* That:

Agreement C.A.B. 26144 be and hereby is approved, subject to conditions previously imposed by the Board.

Persons entitled to petition the Board for review of this order, pursuant to the Board's Regulations, 14 CFR 385.50, may file such petitions within ten days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period, unless within such period a petition for review thereof is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

JAMES L. DEEGAN,
Chief, Passenger and Cargo Rates Division, Bureau of Economics.

[SEAL] PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.76-30625 Filed 10-18-76;8:45 am]

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

PRIVACY ACT OF 1974

Additional Routine Use

At 41 FR 27112 (July 1, 1976), the Equal Employment Opportunity Commission published a notice of a proposed routine use for Privacy Act system of records, EEOC-3, Charge of Discrimination Case Files. The routine use, as proposed, appeared to provide as complete disclosure of charge file information to a charging party through a Congressional office as is made directly to a charging party. Such disclosure is not consistent with Commission policy and practice with respect to the confidentiality of the charge system.

As a result of a comment received with respect to that proposed routine use, the Commission determined not to adopt the proposed use and to adopt, instead, the

routine use as indicated in the notice below.

Signed at Washington, D.C. this 5th day of October, 1976.

ETHEL BENT WALSH,
Vice-Chairman.

Notice is hereby given that pursuant to 5 U.S.C. §§ 301 and 552a and 42 U.S.C. 2000e–12(a), the Equal Employment Opportunity Commission hereby adopts a new routine use for its Privacy Act system of records, EEOC–3, Charge of Discrimination Case Files. Said routine use is as follows:

Disclosure of the status of the processing of a charge of employment discrimination may be made to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual.

Adoption of this routine use is necessary to facilitate the Commission's responses to Congressional inquiries which require the disclosure of information maintained in the charge file system which is relevant to the status of the processing of the charge.

[FR Doc.76–30592 Filed 10–18–76;8:45 am]

FEDERAL MARITIME COMMISSION

[No. 76–57]

H AND H CRANES, INC. v. PORT OF HOUSTON AUTHORITY OF THE PORT OF HOUSTON, TEXAS

Filing of Complaint

OCTOBER 13, 1976.

Notice is hereby given that a complaint filed by H & H Cranes, Inc. against Port of Houston Authority of the Port of Houston, Texas was served October 13, 1976. The complaint alleges violation of sections 16, 17, and 18 of the Shipping Act, 1916 in connection with provisions of respondent's Tariff No. 8 regarding procedures and use charges for privately owned cranes operated on respondent's property.

Hearing in this matter shall commence on or before April 13, 1977.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76–30627 Filed 10–18–76;8:45 am]

HOWARD A. LEVY

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 7 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

RATE AGREEMENT BETWEEN THE GULF/UNITED KINGDOM CONFERENCE AND SEATRAIN INTERNATIONAL S.A.

Notice of Amendment Filed By:

Howard A. Levy, Esq., Suite 727, 17 Battery Place, New York, New York 10004.

Agreement No. 10140–3 modifies the above named rate agreement to change its expiration date from November 1, 1976 to February 1, 1977.

By Order of the Federal Maritime Commission.

Dated: October 14, 1976.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76–30629 Filed 10–18–76;8:45 am]

INDEPENDENT OCEAN FREIGHT FORWARDER LICENSE

Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as independent ocean freight forwarders pursuant to Section 44(a) of the Shipping Act, 1916, (Stat. 522 and 46 U.S.C. 841(b)).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to communicate with the Director, Bureau of Certification and Licensing, Federal Maritime Commission, Washington, D.C. 20573.

Mid-America Overseas, Inc., 1620 W. Madison St., Evanston, IL 60202. Officers: Burkard M. Schmitt, Pres./Treas.; Lynn M. Butler, Secretary.

Ford Pak, Inc., 4005 W. Industrial Ave., Midland, TX 79701. Officers: Joel H. Ford, President; Diane K. Davis, Vice President; L. Dwain Epting, Secy-Treas.

Trans-American Forwarder (Maeby Garcia, dba), 180 W. 29th St., Hialeah, FL 33012.

Luis R. Santini, 198–B Greenway Drive, Bloomingdale, IL 60108.

"G. and Son" (Gustavo P. Castaneda, dba), 820 Salzedo, Apartment No. 403, Coral Gables, FL 33134.

J I B International, 1250 S. Wilson Way, Stockton, CA 95205. Officers: James Robert Bruns, Partner; John Ray Costanzo, Partner; Irv Green, Partner.

Gerard Toubiana, 5729 Marquis Ct., Mobile, AL 36609.

Smith & Johnson (Agencies) Inc., 810 Raymond Blvd., Newark, NJ 07105. Officers: R. B. Johnson, Pres./Director; T. H. Schroeder, V.P./Sec./Treas./Director; G. R. Beinert, Vice Pres./Director; J. C. East, Vice Pres./Director; J. L. Lyons, Asst. Treas.; W. T. Bryan, Asst. Sec.

Omega International, Inc., 10202 East Freeway, Houston, TX 77029. Officers: William H. Rasco, Pres./Treas.; Helen M. Rasco, Vice Pres./Sec.; Paul E. Rasco, Director.

Air-Ship Packers, Inc., 17915 Sky Park Blvd., Unit A, Irvine, CA 92714. Officers: Daniel Pszyk, President; Ruben Herrera, Vice President; Gloria Pszyk, Sec./Treas.

By the Federal Maritime Commission.

Dated: October 14, 1976.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76–30628 Filed 10–18–76;8:45 am]

FEDERAL POWER COMMISSION

[Docket Nos. RP76–15, RP76–98, CP69–41, etc.]

ALGONQUIN GAS TRANSMISSION CO.

Purchased Feedstock Adjustment Clause Filing for Rate Schedule SNG–1

OCTOBER 12, 1976.

Take notice that Algonquin Gas Transmission Company ("Algonquin Gas"), on September 15, 1976, tendered for filing First Revised Sheet No. 10–A to its FPC Gas Tariff, First Revised Volume No. 1.

First Revised Sheet No. 10–A is being filed pursuant to Section 10.6 of Rate Schedule SNG–1 Purchased Feedstock Adjustment Clause of its FPC Gas Tariff, First Revised Volume No. 1 and contains an amortizing unit adjustment in the SNG–1 rate in the amount of (38.6¢) per MMBtu. This reduction reflects a negative deferred account in the amount of $6,381,316, and represents the difference in the cost of feedstock computed at base cost and the actual feedstock cost per books for the 1975–76 winter season divided by the volume of gas estimated to be delivered under Rate Schedule SNG–1 during the amortization period commencing October 16, 1976, pursuant to the effective service agreements of on-system customers at the time of computation.

First Revised Sheet No. 10–A contains a demand charge for Rate Schedule SNG–1 of $1.402 per MMBtu. Algonquin Gas states that its Offer of Settlement, which is pending Commission action in Docket No. CP69–41, et al., contains a demand charge of $1.353 per MMBtu and that this charge will be filed at such time as the Commission approves the Offer of Settlement as filed.

Algonquin Gas requests that the Commission accept for filing the above-mentioned tariff sheet to be effective October 16, 1976.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Com-

mission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 22, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intevene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-30553 Filed 10-18-76;8:45 am]

[Docket Nos. RI66-211, R-371]

ASHLAND OIL, INC. AND AREA RATE FOR APPALACHIAN AND ILLINOIS BASIN AREAS

Order Denying Motion to Discharge Refund Obligation and Ordering Disbursement of Refund Obligation

OCTOBER 12, 1976.

On June 25, 1976, Ashland Oil, Inc. (Ashland) filed a motion [1] for issuance of an order to discharge Ashland's refund obligation in Docket No. RI66-211, pursuant to § 1.12 of the Commission's rules of practice and procedure. As of February 1, 1976, the refundable amount by Ashland aggregated $638,342.50, inclusive of interest, and is being held by Ashland aggregated $638,342.50, inclusive of interest, and is being held by Ashland pending further order of the Commission pursuant to Ordering Paragraph (D) of Order No. 411, Docket No. R-371 issued October 2, 1970, as amended by Order Nos. 411-A and 411-B. Consolidated Gas Supply Corporation (Consolidated) filed a timely answer in support of Ashland's motion.

In support of its position Ashland states that due to the critical gas supply shortage and because of the minimal value of a cash refund to each of Consolidated's customers,[2] it should receive approval of an agreed upon plan, between Ashland and Consolidated dated April 28, 1976, to be a supplement to Gas Purchase Contract No. 1225, which is Ashlands Rate Schedule No. 113. In this connection Ashland would drill ten (10) new gas wells including well completions and install gathering facilities relating to approximately 35,893 acres presently dedicated to Consolidated under Ashland's Rate Schedule 113 located in Logan, McDowell, and Wyoming Counties, West Virginia and Buchanan County, Virginia. Additional gas reserves resulting from this program are estimated to exceed 4905.5 MMcf, generating an increase daily deliverability of 2,317 Mcf. Estimated drilling costs per well range from $106,590 to $122,610. Ashland would expend fifty percent (50%) of such drilling costs from its own funds and fifty percent (50%) from monies subject to the refund obligation but in the aggregate not in excess of $1,276,685 the aggregate not in excess of $1,276,685. Under the supplemental agreement, once a well is drilled to a specified depth, one-half of the cost thereof could be charged to the refundable money whether or not such well is productive. Ashland agrees to expend both the refund monies and matching funds as expeditiously as possible but within five (5) years of the date of a Commission order approving the supplemental contract.

In further support of Ashland's position, Consolidated asserts that if the amount of the refund obligation is refunded to Consolidated the jurisdictional portion thereof (approximately seventy-five percent (75%)) would flow through to Consolidated jurisdictional customers. And if flowed through by Consolidated to the ultimate consumers the cash value of the refund to each customer would be de minimis. Consolidated claims that Ashland's refund, while insufficient to be meaningful to consumers as a refund, is large enough, when matched by Ashland's own funds, to produce a meaningful supplement to Consolidated's gas supplies in close proximity to its markets.

The question presented is whether the Commission should allow Ashland to discharge its refund obligation by retaining monies ordered refunded and using them for well-drilling and development purposes, or order Ashland to disburse the refund of these monies as previously contemplated by Order No. 411.

The money involved is subject to refund under a final Commission order. We have previously refused to permit Phillips Petroleum Company (51 FPC 1038) and Panhandle Producing Company (51 FPC 1247) to utilize refunds in the Hugoton-Anadarko Area for exploration and development purposes, in lieu of disbursing such refunds. We have also rejected offers of settlement submitted by W. B. Osborn, Jr. et al. (Osborn), order issued July 9, 1976,[3] where at least eighty percent (80%) of drilling costs would be expended from the operator's (Osborn) own funds and not more than twenty percent (20%) of such costs would be credited against the refund obligation imposed in the Hugoton-Anadarko Area. Accordingly, there is no discernable basis for treating Ashland any diferrently. Prior orders of the Commission, Shell Oil Company, Docket Nos. CI61-104, et al. (March 29, 1976) and Kerr-McGee Corporation, et al., Docket Nos. CI67-1594, et al. (October 29, 1974) involved escrow funds, title to which was contested by producers, distributors, and customers. In the present instance, however, Ashland does not dispute the legality of the refund obligation, we are merely ordering the disbursement of a refund obligation previously imposed on Ashland in Order No. 441, Area Rates For The Appalachian And Illinois Basin Areas, 44 FPC 1112 (1970).

Regarding the matter of interest on amounts collected subject to refund, inasmuch as Ashland's refund obligation was determined prior to October 1, 1974, in Order No. 411, p. 23, Ordering Paragraph (D), and Ashland has held these refundable amounts pending Commission order to disburse the required refunds, interest on refunds retained by Ashland should be paid as prescribed in Order No. 411-A, Ordering Paragraph (D), (i.e. at 7½ percent per annum). The 9 percent per annum provided in Order No. 513-A relates to amounts collected subject to refund on or after October 1, 1974. It has no relevance to refunds held by a producer pursuant to final Commission order pending action on the flow through of such refunds.

In view of the foregoing, we conclude it would not be in the public interest to grant Ashland's motion.

The Commission orders (A) Ashland's Motion For Order Approving Discharge Of Refund Obligation filed June 25, 1976, is denied.

(B) Ashland within 90 days from the date of issuance of this order (1) shall file a supplemental refund report with two duplicate copies, showing the additional interest required under Ordering Paragraph (D) of Order No. 411, as amended by Order No. 411-A, on the refunds, inclusive of interest, required in Docket No. RI66-211 pursuant to Ordering Paragraph (C) of Order No. 411, (2) shall disburse the total refund to Consolidated, and (3) shall file a copy of a release from Consolidated with respect to such refunds.

(C) Within 30 days after the refunds have been received by it, Consolidated shall submit a plan for flow-through of said refunds, indicating the amount payable to each jurisdictional customer, the basis used in computing the amount payable, the period involved, and the relevant docket number. Copies of such report shall be served on all jurisdictional customers and interested State commissions.

(D) Upon notification by the Secretary, and to the extent directed thereby, Consolidated shall proceed with the distribution of the refunds to their jurisdictional customers in accordance with the report submitted.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-30558 Filed 10-18-76;8:45 am]

[Docket No. RP76-153]

BACA GAS GATHERING SYSTEM, INC.

Order Accepting for Filing and Suspending Proposed Rate Increase, Denying Waiver, and Establishing Procedures

OCTOBER 13, 1976.

On September 13, 1976, Baca Gas Gathering System, Inc. (Baca) tendered for filing Third Revised Sheet No. 3-A (Third Revised Sheet) and Fourth Revised Sheet No. 3-A (Fourth Revised Sheet) to its FPC Gas Tariff, Original

---

[1] Notice of Ashland's motion was issued on July 13, 1976, and appeared in the FEDERAL REGISTER on July 19, 1976 at 41 FR 29749.

[2] Ashland understands Consolidated would be under no legal obligation to flow through approximately twenty-five percent (25%) of any refund in this case to its non-jurisdictional customers.

[3] W. B. Osborn, Jr. et al. Docket Nos. RI67-412, RI68-254, RI68-31, RI70-1036.

Volume No. 3. Baca requests that the Third Revised Sheet be made effective as of the date of the instant filing and that the Fourth Revised Sheet be made effective as of October 1, 1976. For the reasons set forth below, the Commission shall reject the Third Revised Sheet and accept for filing and suspend until October 14, 1976, the Fourth Revised Sheet.

In its filing, Baca states that the purpose of the proposed rate increase ($559,000 annually) is to recover increases in purchased gas costs paid to WECO Development Corporation (WECO), a small producer. Baca states further that such increase is occasioned solely by the issuance of Opinion No. 770.[1] As previously noted, Baca requests that the Third Revised Sheet be made effective as of the date of the instant filing "* * * because the size of the increase in purchased gas cost is so large as to require immediate tracking by Baca." Baca requests further that Fourth Revised Sheet be permitted to supersede the Third Revised Sheet as of October 1, 1976, to permit Baca to track the one cent per MCF escalation which natural gas producers are permitted to recover as of that date.[2]

Public notice of Baca's filing was issued on September 24, 1976, providing that any comments, protests or petitions to intervene should be filed on or before October 15, 1976.

The Commission's review of Baca's filing indicates that the rate increase proposed therein has not been shown to be just and reasonable. Specifically, Baca has not shown that the proposed increase reflects the proper applicaton of different base rates for 1973–74 vintage gas and for post January 1, 1975 vintage gas.[3] Further, good cause has not been shown to waive the 30-day notice requirement of the Commission's regulations, as requested by Baca. Accordingly, the Commission must reject Baca's Third Revised Sheet, proposed to be effective from September 13, 1976, through September 30, 1976. However, the Commission shall accept the Fourth Revised Sheet for filing and suspend its effectiveness for one day until October 14, 1976, when it shall be permitted to become effective, subject to refund, in the manner provided by the Natural Gas Act.

The Commission's review also indicates that the issue of vintaging noted supra with respect to Baca's rates proposed herein, likewise exists with respect to the rates which WECO charges Baca. Accordingly, WECO shall be made a party respondent to this proceeding in order to determine the lawfulness of WECO's rates to Baca reflected in the instant filing.

In order to facilitate the prompt disposition of the issues raised by the instant filing, Baca and WECO shall be required to file evidence supporting the proposed rates on or before November 3, 1976. Particular attention should be given to the proper vintaging of the sales volumes reflected in the filing. On or before December 1, 1976, answering evidence or position papers of any party, including the Commission Staff, shall be filed. Upon receipt and review of all materials filed, the Commission shall by further order establish additional procedures as may be required.

The Commission finds. (1) Good cause does not exist to grant waver of the notice requirement of the Commssion's Regulations, as requested by Baca. Accordingly, Third Revised Sheet should be rejected.

(2) Good cause exists to accept for filing and suspend for one day until October 14, 1976, Baca's Fourth Revised Sheet.

(3) Good cause exists to make WECO a party respondent to this proceeding.

(4) Good cause exists to establish the procedures discussed in the body of this order to facilitate the prompt disposition of the issues raised by the instant filing.

The Commission orders. (A) Pending the Commission's final determination as to the lawfulness of the rates reflected in Baca's proposed rate increase, Fourth Revised Sheet is accepted for filing and suspended for one day until October 14, 1976, when it shall become effective subject to refund.

(B) Baca's Third Revised Sheet is hereby rejected.

(C) WECO is hereby made a party respondent to this proceeding in order to determine the lawfulness of WECO's rates to Baca reflected in the instant filing.

(D) Baca and WECO shall file evidence supporting the proposed rates on or before November 3, 1976. On or before December 1, 1976, answering evidence or position papers of any party, including the Commission Staff, shall be filed. Upon receipt and review of all materials filed, the Commission shall by further order establish additional procedures as may be required.

(E) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-30561 Filed 10-18-76;8:45 am]

[1] Opinion and Order Prescribing Uniform National Rate for Sales of Natural Gas Dedicated to Interstate Commerce on or After January 1, 1973, for the Period January 1, 1975 to December 31, 1976 (Opoinion No. 770), ------ FPC ------ (Docket No. RM 75-14, issued July 27, 1976).

[2] See Opinion No. 770, surpra n. 1, mimeo at 88.

[3] Opinion No. 770 prescribes a uniform national base rate of $1.01 per Mcf for 1973–74 biennium gas, and a uniform national base rate of $1.42 per Mcf for post-January 1, 1975 gas.

[Docket No. RP76-159]

COLUMBIA GAS TRANSMISSION CORP.

Petition for Continued Rate Base Treatment

OCTOBER 12, 1976.

Take notice that on September 30, 1976 Columbia Gas Transmission Corporation (Columbia) tendered for filing a petition for continued rate base treatment of advance payment. Columbia requests continuation of rate base treatment of its initial $60 million Alaskan advance to BP Oil Corporation from November 14, 1976 until such time as the advance is recouped fully.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 28, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.30564 Filed 10-18-76;8:45 am]

[Docket No. RP76-95]

COLUMBIA GAS TRANSMISSION CORP.

Proposed Changes in FPC Gas Tariff

OCTOBER 12, 1976.

Take notice that on October 1, 1976 Columbia Gas Transmission Corporation (Columbia) tendered for filing Thirty-third Revised Sheet No. 16 and Revised Fifth Revised Sheet No. 90 to its FPC Gas Tariff, Original Volume No. 1.

Columbia states the revised sheets are submitted pursuant to Ordering Paragraph (C) of the order issued May 28, 1976 in this proceeding and pursuant to Ordering Paragraph (E) of the order issued August 31, 1976 in this proceeding. The changes ordered were exclusion from rate base of facilities which have not been certificated and placed in service on or before September 30, 1976 and reflection of Columbia Gulf Transmission Company's proposed increased transportation rates. In addition, Columbia states the proposed rates reflect a one-sixth movement toward system-wider states, Columbia's Purchased Gas Adjustment filings, PGA-16, PGA-17 and PGA-18, and a mathematical error in calculation of the maximum monthly volumes of Columbia Gas of Virginia, Inc. reflected in the original filing.

Columbia requests an effective date of November 1, 1976 for the revised sheets.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission,, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 29, 1976. Protests will be considered by the Commission in determining the appropriate action to be

taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.30557 Filed 10-18-76;8:45 am]

[Docket No. CP76-539]

DELMARVA POWER & LIGHT CO. AND PROVIDENCE GAS CO.

Application

OCTOBER 12, 1976.

Take notice that on September 28, 1976, Delmarva Power & Light Company (Delmarva), 800 King Street, Wilmington, Delaware 19899, and The Providence Gas Company (Providence), 100 Weybosset Street, Providence, Rhode Island 02901, (together, Applicants) jointly filed in Docket No. CP76-539 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity with pre-granted abandonment authorizing the limited-term exchange of gas between Delmarva and Providence, all as more fully set forth in the application on file with the Commisison and open to public inspection.

Applicants state that Algonquin LNG, Inc. (Algonquin LNG) was authorized by temporary certificate to store for Delmarva at its storage facility located in Providence, Rhode Island, up to 90,000 barrels of liquefied natural gas (LNG), and to transport and redeliver to Delmarva this quantity of LNG. It is said that Delmarva is now in the process of liquefying a portion of its summer gas and delivering such volumes of LNG to Algonquin LNG for storage.

In order to avoid the necessity for trucking 90,000 barrels of LNG the long distance of some 375 miles from Providence, Rhode Island, to Wilmington, Delaware, Applicants propose to exchange equivalent quantities of gas utilizing the interstate transportation facilities of Algonquin Gas Transmission Company (Algonquin) Texas Eastern Transmission Corporation (Texas Eastern), and Transcontinental Gas Pipe Line Corporation (Transco). It is stated that under this arrangement, the LNG now being stored by Delmarva would, after vaporization, be received by Providence Gas through its tie-in with the Algonquin LNG Storage facility and Providence Gas would use this gas in its local distribution facility. Providence Gas would then release equivalent quantities of pipeline gas to Algonquin, and Algonquin woud transport and deliver such gas by displacement to Texas Eastern, who would redeliver the gas to Transco for final delivery to Delmarva. It is indicated that Providence Gas would provide, and Algonquin, Texas Eastern, and Transco would transport and deliver these quantities of gas on a best efforts basis.

It is stated that Providence would sustain a revenue loss and incur certain operating expenses amounting to approximately 36.0 cents per million BTU's receiving vaporized LNG under this exchange arrangement. However, it is said that due to the limited term of this exchange and the fact that it is on a best efforts basis, Providence has requested and Delmarva has agreed to reimbursement of only 30.0 cents per million BTU's.

Inasmuch as the gas business conducted by Applicant is limited to intrastate operations, with the possible exception of the exchange described herein, and would be solely intrastate upon the conclusion of such exchange, it is said, Applicants request that any limited-term certificate issued herein be made subject to the following express conditions:

1. The certificate shall be limited to authorization of the exchange proposed herein with pre-granted abandonment effective by May 31, 1977, or upon the completion of the proposed exchange, whichever is earlier;

2. The Commission shall waive any accounting or other requirements generally applicable to a "natural gas company" for the term of the certificate and with respect to this exchange, except for the quantities exchanged and the payments made to Providence Gas with respect to such quantities to make up for the revenue loss and operating expenses incurred;

3. The Commission shall indicate that all of the facilities and operations and related activities of Applicants are and would continue to be exempt from Commission regulation, and the nonjurisdictional status of the existing sales, operations, and facilities of Applicants would not be rendered jurisdictional or otherwise affected by Commission regulation by reason of any certificate issued for the proposed exchange; and,

4. The Commission shall indicate that upon the requested abandonment becoming effective, Applicants would not be considered natural gas companies within the meaning of the Natural Gas Act.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 29, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-30555 Filed 10-18-76;8:45 am]

[Docket Nos. RP75-114, RP71-15 (PGA76-1), etc.]

EAST TENNESSEE NATURAL GAS CO.

Order Approving Settlement Agreement

OCTOBER 13, 1976.

On July 7, 1976, the Presiding Administrative Law Judge certified to the Commission a Settlement Agreement (Agreement) intended to resolve all issues raised in East Tennessee Natural Gas Company's (East Tennessee) rate increase filings in the captioned proceeding. Docket No. RP75-114 was filed on June 30, 1975, and became effective, subject to refund, on January 15, 1976. On November 14, 1975, East Tennessee tendered a concurrent PGA and surcharge filing, which became effective on January 1 and 2, 1976. For the reasons hereinafter stated, the Commission will approve the settlement.

Public notice of the proposed agreement was issued August 19, 1976, with comments due on or before August 31, 1976. The Commission Staff filed comments in support of the agreement.

The principal provisions of the agreement are as follows: Article I provides that, upon approval by the Commission, East Tennessee shall file certain revised tariff sheets to Sixth Revised Volume No. 1 of its FPC Gas Tariff to reflect the settlement rates. Article II provides that refunds will be made and that a revision will be made to East Tennessee's deferred account in respect to demand charge credits. Article III provides that Commission approval of the agreement constitutes authorization to use a 4.2 percent composite depreciation rate from the effective date of the rate increase and that East Tennessee will not seek increases in this rate to become effective prior to January 15, 1978. Article IV of the agreement provides for the resolution of the issue of flow through of demand charge credits received from Tennessee Gas Pipeline Company (Tennessee) for the period commencing January 15, 1976, but specially reserves the positions of the parties on that question in other proceedings. Article X requests the Commission to confirm that the amount used for the accumulated reserve for deferred income taxes for liberalized tax depreciation is the same as East Tennessee's per books amount for this reserve.

Under the terms of the proposed settlement East Tennessee's annual revenue increase would be approximately $4,368,-112, subject to adjustment for the flow through of demand charge credits received from Tennessee Gas Pipeline Company, as compared to an annual revenue increase of $5,503,671, under the suspended rates. The settlement reflects an overall rate of return of 9.88 percent, including a return of 11.50 percent on equity, reduced from East Tennessee's proposed rate of return of 11.22 percent, including a 14.00 percent return on equity. In addition, the settlement cost of service is based on a proposed depreciation rate of 4.2 percent, The United Gas Pipe Line Company, 50 F.P.C. 1348 (1973) method is used for allocation of costs and rate design.

The agreement also provides for certain changes in East Tennessee's tariff sheets for its Supplemental Winter Service and its purchased gas cost adjustment provisions. East Tennessee proposes to create an unrecovered purchased gas cost account which would include, inter alia, the cost of gas purchased from sources other than Tennessee. We shall grant waiver of § 154.38 of the Commission's Regulations to permit this change.

The Commission believes that the proposed agreement is in the public interest and will provide for just and reasonable rates. Accordingly, the agreement will be accepted, approved, and made effective in accordance with its terms.

The Commission finds. The proposed settlement agreement filed herein by East Tennessee is in the public interest and should be approved and adopted.

The Commission orders. (A) The Settlement Agreement filed by East Tennessee, incorporated herein by reference, is approved and adopted and will become effective in accordance with its terms.

(B) Waiver of § 154.38 of the Commission's regulations is hereby granted.

(C) This order is without prejudice to any findings or orders which have been made or which will hereafter be made by the Commission, and is without prejudice to any claims or contentions which may be made by the Commission, its Staff, or any party or person affected by this order, in any proceeding now pending or hereafter instituted by or against East Tennessee or any other party.

(D) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[Docket No. ER76-409]

EL PASO ELECTRIC CO.

Order Approving Settlement Agreement

OCTOBER 13, 1976.

On August 16, 1976, El Paso Electric Company (El Paso) filed a proposed Stipulation and Agreement (Agreement) in settlement of all issues in this proceeding. El Paso also filed revised tariff sheets reflecting the terms of the Agreement. The Commission herein approves the Agreement, accepts the revised tariff sheets and orders refunds.

On December 31, 1975, El Paso tendered for filing a proposed increase in rates for electric service to Community Public Service Company (CPS), Rio Grande Electric Cooperative, Inc., at Dell City and Rio Grande Electric Cooperation, Inc., at Van Horn. Timely petitions to intervene were filed by CPS and by the Rio Grande Electric Cooperative, Inc. By order issued on January 30, 1976, El Paso's proposed tariff sheets were accepted for filing and suspended for one month until March 1, 1976, at which time they became effective subject to refund. Both petitions to intervene were granted.

The proposed Agreement, resulting from conferences among the parties, was filed on August 16, 1976. El Paso also filed on August 16, 1976, revised tariff sheets [1] reflecting the terms of the Agreement. The proposed settlement provides, inter alia, for a reduction in the originally proposed rate increase of $631,500 to $402,553 based on jurisdictional sales for the test year ending August 31, 1975. Public notice of the August 16, 1976, filing was issued on August 27, 1976, with comments due on or before September 10, 1976. Comments in support of the Agreement were filed by the Commission's Staff and CPS on September 10, 1976.

The Commission's review of the proposed Agreement indicates that it is a just and reasonable resolution of the issues involved in this proceeding. The Commission will, therefore, accept and approve the Agreement without modification. Furthermore, the Commission finds that revised tariff sheets filed on August 16, 1976, in conjunction with the Agreement reflect the terms of the Agreement. Consequently, the Commission concludes that good cause exists to accept those revised tariff sheets for filing and to permit them to become effective on March 1, 1976, the date on which the Commission permitted the proposed tariff sheets filed on December 31, 1975, to become effective subject to refund.

The Commission finds. (1) The proposed Agreement filed on August 16, 1976, in this docket is reasonable, proper and in the public interest in carrying out the provisions of the Federal Power Act. Accordingly, the proposed Agreement should be approved as herein ordered and conditioned.

(2) Good cause exists to accept for filing the revised tariff sheets filed in this docket on August 16, 1976, and to permit those tariff sheets to become effective on March 1, 1976.

The Commission orders. (A) The proposed Agreement filed on August 16, 1976, as a settlement of the issues in this proceeding is incorporated herein by reference and hereby approved and adopted to become effective on March 1, 1976, in accordance with its terms.

(B) The revised tariff sheets filed on August 16, 1976, in this docket are hereby accepted for filing and permitted to become effective on March 1, 1976.

[1] See Appendix A for Designations.

(C) Within thirty (30) days after the issuance of this order, El Paso shall refund with interest calculated at 9% per annum all amounts collected in excess of the rates set forth in the revised tariff sheets permitted to become effective by terms of Paragraph (B) herein.

(D) Concurrently with the distribution of refunds made in compliance with Paragraph (C) herein, El Paso shall file a report: Such report shall show monthly billing determinants and revenues under rates in effect prior to March 1, 1976, the rates which became effective on March 1, 1976, subject to refund, and the settlement rates. The report should also show the monthly settlement rate increase, the monthly rate refund and the monthly interest computation, together with summaries of such information for the total refund period.

(E) This order is without prejudice to any findings or orders which have been made or which may hereafter be made by the Commission, and is without prejudice to any claims or contentions which may be made by the Commission, its Staff, or any party or person affected by this order in any proceeding now pending or hereafter instituted by or against El Paso or any person or party.

(F) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-30567 Filed 10-18-76;8:45 am]

[Docket Nos. E-7740, etc.]

INDIANA & MICHIGAN ELECTRIC CO.

Tariff Filing Incorporating Terms of Settlement Agreement, and Motion for Commission Approval of Said Agreement

OCTOBER 13, 1976.

Take notice that on September 30, 1976, Indiana & Michigan Electric Company (I&M) tendered for filing copies of its proposed FPC Electric Tariff REC and FPC Electric Tariff REC-1. I&M states that these filings are made to effectuate the terms of an Agreement of Settlement and Compromise entered into between I&M and each of its seven rural electric cooperative wholesale for resale customers. I&M has concurrently filed a motion for Commission approval of said Agreement.

I&M requests that Electric Tariff REC be permitted to become effective as of July 1, 1976, and that Electric Tariff REC-1 be permitted to become effective as of May 1, 1977.

I&M states that granting the above-noted motion will dispose of (1) all issues applicable to its rural electric cooperative customers in Docket Nos. E-7740 and ER76-716, and (2) all issues in Docket Nos. ER76-416, ER76-417, ER76-418, ER76-419, ER76-427, ER76-433 and ER76-434.

Any person desiring to heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capi-

tol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 1, 1976. Protests will be considered by the Commission in determining the apprpriaote action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-30566 Filed 10-18-76;8:45 am]

[Docket No. E-7477]

KANSAS CITY POWER & LIGHT CO.

Application

OCTOBER 12, 1976.

Take notice that on September 28, 1976, Kansas City Power & Light Company (Applicant) filed a sixth supplemental application seeking authority pursuant to section 204 of the Federal Power Act to issue up to $75,000,000 principal amount of short-term unsecured promissory notes to be outstanding at any one time, of which aggregate amount a maximum of $36,000,000 may be in the form of commercial paper, said notes to be issued not later than December 31, 1977, with maturities not later than December 31, 1978. By prior supplemental order issued November 11, 1975, the Commission authorized Applicant to issue prior to December 31, 1976, up to $75,000,000 short-term promissory notes to be outstanding at any one time, of which aggregate amounts up to $36,000,000 could be in the form of commercial paper, with final maturities not later than December 31, 1977.

Applicant is incorporated under the laws of the State of Missouri with its principal business office at Kansas City, Missouri, and authorized to do business in the State of Kansas.

The interest rate applicable to the promissory notes will be, in the case of demand notes issued to commercial banks, the prime rate in effect at the time of issuance; in the case of notes issued to commercial paper dealers, the market rate (or discount rate) at the date of issuance for commercial paper of comparable quality and of the particular maturity sold to commercial paper dealers; and in the case of commercial paper placed directly with regular purchasers of such commercial paper for their own accounts, the market rate (or discount rate) at the date of issuance for commercial paper of comparable quality and of the particular maturity placed directly by the issuer thereof. The Applicant contemplates the issuance of promissory notes, including the "roll-over" of commercial paper promissory notes, without further application to this Commission, at any time and from time to time prior to December 31, 1977, each of such notes to have a maturity date of not later than December 31, 1978.

The proceeds will be used to finance in part Applicant's construction program to December 31, 1978. The continuation of the authorization to issue up to $75,000,000 and the authorization of the Applicant to issue said notes not later than December 31, 1977, and extending the maturity of said notes to not later than December 31, 1978, will allow the Applicant more freedom in selecting the appropriate times under market conditions to fund its short-term debt.

Any person desiring to be heard or to make any protest with reference to the application should, on or before October 29, 1976, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the Commission's rules of practice and procedure. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-30554 Filed 10-18-76;8:45 am]

[Docket No. RP73-23, PGA-76-5]

LAWRENCEBURG GAS TRANSMISSION CORP.

Filing of Tariff Sheets

OCTOBER 12, 1976.

Take notice that on September 30, 1976, Lawrenceburg Gas Transmission Corporation (Lawrenceburg) tendered for filing two (2) revised gas tariff sheets to its FPC Gas Tariff, First Revised Volume No. 1, identified as Sixth Revised Sheet No. 4 and Fifth Revised Sheet No. 18.

Lawrenceburg states that these revised tariff sheets are being filed to reflect a change in its cost of gas purchased from Texas Gas Transmission Corporation (Texas Gas), pursuant to Lawrenceburg's Purchase Gas Adjustment Clause in its FPC Gas Tariff, First Revised Volume No. 1. Lawrenceburg requests an effective date of October 27, 1976 and a "Waiver of Notice Requirements" of the Commission's Regulations so that the tariff sheets can become effective on the requested date. The proposed change in rates would increase revenues from jurisdictional sales and service by $956,852 based on the 12-month period ended August 31, 1976.

Lawrenceburg states that copies of this filing have been mailed to its two wholesale customers and to the interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 27, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-30559 Filed 10-18-76;8:45 am]

[Docket No. CP76-537]

MICHIGAN WISCONSIN PIPE LINE CO.

Application

OCTOBER 12, 1976.

Take notice that on September 27, 1976, Michigan Wisconsin Pipe Line Company (Applicant), One Woodward Avenue, Detroit, Michigan 48226, filed in Docket No. CP76-537 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of compressor facilities to maintain the receipt of natural gas supplies from certain reservoirs or segments within the West Cameron Area Block 171 field, offshore Louisiana, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that in the December, 1970, Louisiana offshore lease sale by the Department of the Interior, a group of nine producers was the successful bidder for Block 171, West Cameron area, and subsequently, Applicant acquired the right to purchase all of the gas reserves underlying the lands and leaseholds in Block 171 by entering into gas purchase contracts with each of the nine producers.

A summary of the gas purchase contracts, dedicating an aggregate of 400,000,000 Mcf of natural gas to Applicant, is as follows:

Name of producer	Contract date	FPC docket No.	Reserves committed (Bcf)
General Crude Oil Co.	Nov. 2, 1971	CI72-439	10.00
	Sept. 21, 1972	Small producer [1]	10.00
Hamilton Bros. Oil Co.	Nov. 3, 1971	do	37.50
	Sept. 27, 1972	do	37.50
Hamilton Bros. Petroleum Corp.	Nov. 3, 1971	do	12.50
	Sept. 27, 1972	do	12.50
Hassie Hunt Trust	Nov. 4, 1971	CI72-542	20.00
	Feb. 27, 1974	CI74-532	20.00
Hunt Petroleum Corp.	Nov. 4, 1971	CI72-543	15.00
	Feb. 27, 1972	CI74-532	15.00
Kewanee Oil Co.	Nov. 7, 1971	Small producer [1]	20.00
	Sept. 13, 1972	do	20.00
Placid Oil Co.	Oct. 29, 1971	CI72-376	40.00
	Mar. 1, 1974	CI74-536	40.00
TransOcean Oil, Inc.	Oct. 29, 1971	CI72-462	35.54
	June 4, 1974	CI72-462	35.54
Ashland Oil, Inc.	Nov. 1, 1971	CI72-352	9.46
	Sept. 21, 1972	CI73-318	9.46
Total			400.00

[1] These contracts were filed by Michigan Wisconsin with the Commission pursuant to sec. 157.40(g) of the Commission's Regulations.

It is stated that Article IX of each of the gas purchase contract provides, among other things, that the producer would deliver the gas dedicated thereunder at a pressure sufficient to allow the gas to enter Applicant's pipeline at the point of delivery, but not in excess of 1,200 psig. Further, it is said that Article IX provides that, in the event that the pressure of any reservoir or segment declines below 1,050 psig, either Applicant or the producer may, but is not required to, install compressor facilities, and if neither the producer nor Applicant elects to install the necessary compressor facilities to effectuate delivery from such reservoir or segment, then Applicant would release the reserves attributable thereto. Applicant indicates that it has been advised by TransOcean Oil, Inc. (TransOcean), as operator of the Block 171 field, that by the first quarter of 1978, the pressure attributable to certain reservoirs or segments producing primarily from the K-1 sand would have declined to approximately 715 psia as a result of the normal pressure decline caused by continuing production from the reservoirs. At a pressure of 715 psia, delivery of gas supplies from the affected reservoirs or segments against the normal line pressure of Applicant's pipeline facility would be precluded, it is said. Applicant states that TransOcean further advised that there is no space available on its production platform which could be utilized for the installation of compressor facilities should Applicant elect to effectuate the installation thereof. To obviate the loss of the supplies from such reservoirs or segments (over 100,000,000 Mcf of natural gas or 25 percent of the gas presently committed), it is said, Applicant has elected to install the necessary compressor facilities including the construction of an offshore platform to enable it to maintain the receipt into its system of these recoverable gas reserves.

Applicant proposes to construct and operate approximately 2,200 horsepower of compression including an offshore platform which would be located adjacent to the production platform for the Block 171 field. It is anticipated that the compressor facilities would comprise two 1100 horsepower class compressor units. Applicant projects that installation of these compressor units would increase the gas sales and deliverability from the Block 171 field in accordance with the estimate set forth in the following table:

Year:	*Incremental Increase in Gas Deliverability Bcf/year* [2]
1978	3.5
1979	7.3
1980	15.2
1981	15.5
1982	10.2
1983	7.3
1984	8.6
1985	8.5
1986	8.3
1987	8.2
1988	3.3
1989	3.0
1990	2.9
1991	2.8
1992	1.4
1993	1.1
1994	0.5
1995	0.1
1996	0.1
Total increase due to Compression	107.8

[2] The incremental increase in gas deliverability is predicated upon the utilizaton of the facilities proposed herein operating from a projected suction pressure of 700 psia downward to 300 psia.

It is said that over 100,000,000 Mcf of recoverable natural gas reserves would continue to be committed to Applicant which otherwise would have to be released.

Applicant estimates the total cost of the facilities proposed to be $4,189,430 which would be financed with funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 29, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-30568 Filed 10-18-76;8:45 am]

[Docket No. RP76-158]

NORTH PENN GAS CO.

Proposed Changes in FPC Gas Tariff

OCTOBER 12, 1976.

Take notice that North Penn Gas Company (North Penn) on September 30, 1976, tendered for filing proposed changes in its FPC Gas Tariff, First Revised Volume No. 1. The proposed changes would increase revenues from jurisdictional sales and services by $1,339,790 based on the 12-month period ending May 31, 1976, as adjusted. The proposed effective date is November 1, 1976.

North Penn states that the increased rates are required to reflect an increase in rate of return to 10.75 percent and related income taxes, increased plant and increases in the cost of materials, supplies, wages, and taxes. North Penn further states that copies of this filing were served upon its jurisdictional customers, as well as interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 27, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file

a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-30556 Filed 10-18-76;8:45 am]

[Docket No. ER76-305]

NORTHERN STATES POWER CO. (WISCONSIN)

Order Approving Settlement Agreement

OCTOBER 13, 1976.

On August 4, 1976, Northern States Power Company (Wisconsin) ("Northern States") filed a proposed settlement agreement in full settlement of all issues in this proceeding. The Commission herein approves the agreement, directs Northern States to file revised tariff sheets and orders refunds.

On November 28, 1975, Northern States tendered for filing proposed tariff sheets which would revise the rates for firm power service to eleven municipal customers in the State of Wisconsin. The Company requested that the proposed rates be made effective as of January 1, 1976. By order issued on December 31, 1975, the Commission accepted for filing and suspended the proposed rate increase for two months, to become effective on March 1, 1976, subject to refund.

On March 1, 1976, an order was issued which granted a timely petition to intervene which was filed jointly by the cities of Bangor, Black River Falls, Bloomer, Cornell, New Richmond, Spooner, Rice Lake, and Westby, Wisconsin. ("Joint Petitioners") The Commissions' March 1, 1976, order denied the Joint Petitioner's motion for a five month suspension and other requested relief.

A late notice of intervention was submitted by the Public Service Commission of Wisconsin on February 9, 1976. By order issued on April 23, 1976, the Commission denied a petition filed jointly by Bangor, Black River Falls, Bloomer, Cornell, New Richmond, Spooner, Rice Lake, Westby, and Whitehall, Wisconsin, for rehearing of the Commission's March 1, 1976, order.

A settlement agreement resulting from discussions among the parties was filed by Northern States on August 4, 1976. The proposed settlement provides, inter alia, for a reduction in the originally proposed rate increase of $1,128,437 to $660,013 based on jurisdictional sales for test year 1976. Public notice of the filing was issued on August 16, 1976, with comments due on or before September 3, 1976. Comments in support of the settlement agreement were filed by the Commission's Staff on August 25, 1976.

The Commission's review of the proposed settlement agreement indicates that it is a just and reasonable resolution of the issues involved in this proceeding. The Commission will, therefore, accept and approve the settlement agreement without modification. Rates reflecting the terms of the settlement agreement will be permitted to become effective on March 1, 1976, the date the Commission permitted the rates filed on November 28, 1975, to become effective subject to refund.

The Commission finds. The proposed settlement agreement filed on August 4, 1976, in this proceeding is reasonable and proper and in the public interest in carrying out the provisions of the Federal Power Act. Accordingly, the proposed settlement agreement should be approved as hereinafter ordered and conditioned.

The Commission orders. (A) The proposed settlement agreement filed on August 4, 1976, as a settlement of the issues in this proceeding is incorporated herein by reference, and hereby approved and adopted to become effective on March 1, 1976, in accordance with its terms.

(B) Northern States shall file within seven (7) days of receipt of this order revised rate schedules which reflect the terms of the proposed settlement agreement accepted herein and which shall become effective on March 1, 1976.

(C) Within seven (7) days of receipt of notice that the Commission has accepted for filing the rate schedules filed in compliance with Paragraph (B) above, Northern States shall refund all amounts collected in excess of the rates set forth in the rate schedules filed in compliance with Paragraph (B) above together with interest calculated at 9 percent per annum.

(D) Northern States shall file a report within fifteen (15) days after refunds have been made in compliance with Paragraph (C) above. Such report shall show monthly billing determinants and revenues under rates in effect prior to March 1, 1976, the rates which became effective on March 1, 1976, subject to refund, and the settlement rates. The report should also show the monthly settlement rate increase, the monthly rate refund and the monthly interest computation, together with summaries of such information for the total refund period.

(E) This order is without prejudice to any findings or orders which have been made or which may hereafter be made by the Commission, and is without prejudice to any claims or contentions which may be made by the Commission, its Staff, or any party or person affected by this order in any proceeding now pending or hereafter instituted by or against Northern States or any person or party.

(F) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

APPENDIX A.—*Attachment: El Paso Electric Co., docket No. ER76-409*

[Dated: Undated. Filed: Aug. 16, 1976. Effective: Mar. 1, 1976]

Designation	Other party	Description
Supplement No. 3 to rate schedule FPC No. 17 (supercedes supplement No. 2 to FPC No. 17).	Community Public Service Co.	Settlement rate.
Supplement No. 3 to rate schedule FPC No. 18 (supercedes supplement No. 2 to FPC No. 18).	Rio Grande Electric Cooperative—Dell City.	Do.
Supplement No. 3 to rate schedule FPC No. 19 (supercedes supplement No. 2 to FPC No. 19).	Rio Grande Electric Cooperative—Van Horn.	Do.

[FR Doc.76-30565 Filed 10-18-76;8:45 am]

[Docket No. RP72-98 etc.]

TEXAS EASTERN TRANSMISSION CORP.

Order Rejecting Refund Plan and Ordering Refunds

OCTOBER 13, 1976.

On March 5, 1976, Texas Eastern Transmission Corporation (Texas Eastern) filed a plan to refund to its customers 1,342,348 received from United Gas Pipe Line Company (United) attributable to the period June 1, 1971, through April 5, 1974. Texas Eastern proposes to flow through the refunds by crediting the Deferred Purchase Gas Cost Account rather than according to the refund procedure approved in the settlement in Docket Nos. RP70-29, et al.,[1] which applies to $1,094,908.87 of the refunds.

Notice of Texas Eastern's plan was issued on April 16, 1976, with comments, protests, or petitions to intervene due on or before May 4, 1976.

On April 6, 1976, Consolidated Edison Company of New York, Inc., filed a protest requesting that the Commission reject Texas Eastern's proposed refund plan and order refunds of the amounts received by Texas Eastern from United, with interest, to those customers who purchased gas during the period in which the excess charges occurred in accordance with the volumes purchased. On May 4, 1976, the Municipal Defense Group[2] filed a protest urging that the Commission reject Texas Eastern's proposed refund plan and order immediate refunds to the customers. On May 4, 1976, Carnegie Natural Gas Company (Carnegie) filed a petition to intervene and a protest in which Carnegie requested that the Commission reject Texas Eastern's proposed refund plan and order refunds to Texas Eastern's customers in direct proportion to the volumes delivered during the purchase period. Alternatively, Carnegie requests that a hearing be held. All the protesters point out that the purchase patterns during the future period when the purchased gas cost adjustment clause will operate

[1] Order issued March 24, 1971.

[2] Cairo, Illinois; Chambersburg, Pennsylvania; Huntingburg, Indiana; Smyrna, Tennessee; and Utica, Mississippi.

are different than the pattern during the period for which there funds are applicable and would result in a different distribution of refunds than agreed upon. Having reviewed Carnegie's petition to intervene, the Commission believes that Carnegie has sufficient interest in this proceeding to warrant granting intervention.

Texas Eastern's tariff contains a purchased gas cost adjustment clause which requires that refunds received applicable to the period after the effectiveness of the clause shall be flowed through by crediting such amounts to the Deferred Purchase Gas Cost Account. Refund procedures with respect to periods prior to the effectiveness of the purchase gas cost adjustment clause are covered by the applicable settlement agreement. Texas Eastern's purchased gas cost adjustment clause became effective on July 14, 1972. Texas Eastern received $1,342,348.00 from United in refunds of which $1,094,908.87 is applicable to the purchase period of June 1, 1971, to July 13, 1972, and $247,439.13 is applicable to the period July 14, 1972, to April 5, 1974. Texas Eastern requests that it be allowed to flow through all the refunds by crediting the Deferred Purchase Gas Cost Account because this will minimize administrative costs. However, inasmuch as there is customer opposition to the proposed refund plan, the Commission will direct that Texas Eastern flow through the $1,094,908.87 to its customers in accordance with the settlement agreement in Docket Nos. RP70-29, et al., approved by order issued March 24, 1971. Article II of that settlement agreement provides that Texas Eastern is not liable for interest during the period of time it has held the refunds from United and provides the mechanism for flowing through the refunds to the customers. The Commission will allow Texas Eastern to credit its Deferred Purchase Gas Cost Account with the remaining $247,439.13 of refunds in accordance with Texas Eastern's purchase gas cost adjustment clause and direct Texas Eastern to flow through such amount to its customers in its next purchased gas cost adjustment filing.

The Commission finds. (1) It is necessary and proper in the public interest and in carrying out the provisions of the Natural Gas Act that Texas Eastern's proposed refund plan be rejected and Texas Eastern be ordered to flow through refunds received from United in the amount of $1,094,908.87 in accordance with the settlement agreement approved in Docket Nos. RP70-29, et al. and in the amount of $247,439.13 by crediting its Deferred Purchase Gas Cost Account and flowing through such amount to its customers in its next purchased gas cost adjustment filing.

(2) The intervention of Carnegie may be in the public interest.

The Commission orders. (A) Texas Eastern's proposed refund plan filed on March 5, 1976, is hereby rejected.

(B) Within 30 days of the issuance of this order, Texas Eastern shall refund to its customers $1,094,908.87 in accordance with the settlement agreement approved in Docket Nos. RP70-29, et al.

(C) Within 15 days after the release of said refunds, Texas Eastern will file with the Commission a report showing the amount of refunds disbursed by customer.

(D) Texas Eastern shall credit its Deferred Purchase Gas Cost Account by $247,439.13 in accordance with its purchase gas cost adjustment clause and flow through such amount to its customers in its next purchased gas cost adjustment filing.

(E) Carnegie is permitted to intervene in this proceeding subject to the rules and regulations of the Commission: *Provided, however,* That participation of such intervenor shall be limited to matters affecting asserted rights and interests as specifically set forth in its petition to intervene. And *Provided, further,* That the admission of such intervenor shall not be construed as recognition by the Commission that it might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(F) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-30560 Filed 10-18-76;8:45 am]

[Docket No. RP76-155]

UNITED GAS PIPE LINE CO.

Request for Authorization

OCTOBER 12, 1976.

Take notice that on September 16, 1976, United Gas Pipe Line Company (United) filed a Petition for authorization to amortize a nonrecoverable advance payment. United states that these advances were made under an agreement with Exxon Company U.S.A. dated January 29, 1976, which was assigned to Pennzoil Offshore Gas Operators, Inc. on December 31, 1974. United advanced $2 million under the agreement which was to be paid out of production. United assigned a one-half interest in the Agreement to Southern Natural Gas Company and was reimbursed for one-half of the advance. Because the advance is payable solely out of production and no production resulted, United seek to amortize $1,000,000 over a three-year period.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 28, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-30563 Filed 10-18-76;8:45 am]

[Docket No. CP76-542]

ARKANSAS LOUISIANA GAS CO.

Application

OCTOBER 13, 1976.

Take notice that on September 30, 1976, Arkansas Louisiana Gas Company (Applicant), P.O. Box 21734, Shreveport, Louisiana 71151, filed in Docket No. CP76-542 an application pursuant to Section 7 of the Natural Gas Act, as implemented by Section 157.7(g) of the Regulations thereunder (18 CFR 157.7 (g)), for a certificate of public convenience and necessity authorizing the construction and for permission and approval for the abandonment, for a 12-month period from the date of authorization, and operation of field gas compression and related metering and appurtenant facilities, all as more fully set forth in the application on file with the Commission and open to public inspection.

The purpose of this budget-type application is to augment Applicant's ability to act with reasonable dispatch in the construction and abandonment of facilities which would not result in changing Applicant's system salable capacity or service from that authorized prior to the filing of the instant application.

Applicant states that the total cost of the proposed construction and abandonment would not exceed $3,000,000, and the cost of any single project would not exceed $500,000. Applicant states further that these costs would be financed with funds on hand and with short-term bank loans, and other short-term borrowings utilized in the normal operation of the Company's total business.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 1, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Pro-

cedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-30612 Filed 10-18-76;8:45 am]

[Docket No. ER76-157]

CAMBRIDGE ELECTRIC LIGHT CO.

Filing of Revised Rate Schedule, Service Agreement, and Schedule of Refunds in Compliance with Approved Settlement

OCTOBER 13, 1976.

Take notice that on October 4, 1976 Cambridge Electric Light Company ("Cambridge") tendered for filing a settlement Rate Schedule FPC No. 28, an executed service agreement providing for service thereunder, and an attested schedule of refunds governing its wholesale electric service to the Town of Belmont, Massachusetts ("Belmont").

Cambridge states that the tendered filing is made pursuant to the terms of a settlement agreement executed June 4, 1976 by Cambridge and Belmont resolving all outstanding issues in the proceedings above captioned. Said settlement agreement was filed with the Commission on June 7, 1976 and was approved by Commission order issued on August 30, 1976.

Cambridge has also tendered, as part of the instant filing, a schedule of revenues, including interest thereon at the rate of 9% per annum, which have been refunded to Belmont as provided for in the settlement agreement as approved. The tendered attestation of Cambridge's chief financial officer attests to the accuracy of the aforementioned refunds and to the fact that said refunds have in fact been made to Belmont.

The proposed effective date of the tendered settlement rate is April 1, 1976. Accordingly, Cambridge requests waiver of the Commission's notice requirements pursuant to Section 35.11 of its Regulations.

Copies of the tendered filing have been served by Cambridge upon Belmont and the Massachusetts Department of Public Utilities.

Any person desiring to be heard regarding said filing should file comments with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before October 29, 1976. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of the aforesaid compliance filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-30604 Filed 10-18-76;8:45 am]

[Docket No. ER77-4]

CENTRAL VERMONT PUBLIC SERVICE CORP.

Amendment to Contract

OCTOBER 13, 1976.

Take notice that on October 4, 1976 Central Vermont Public Service Corporation (CV) tendered for filing Amendment No. 1 to the Power Transmission Contracts between CV and the Vermont Electric Cooperative, Inc. and between CV and the Lyndonville Electric Department. These contracts are designated as CV's FPC Rate Schedules Nos. 89 and 93, respectively. CV tendered also for filing the annual cost update data as required by Amendment No. 1 to the Contracts. The result of the update calculation is an increase in the unit change for the services and energy under the contracts.

CV requests an effective date of November 1, 1976 for the purposed amendment.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 29, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-30616 Filed 10-18-76;8:45 am]

[Docket Nos. RP76-94 and RP76-138]

COLUMBIA GULF TRANSMISSION CO.

Proposed Changes in FPC Gas Tariff

OCTOBER 13, 1976.

Docket No. RP76-94. Take notice that (Columbia Gulf) on October 1, 1976 tendered for filing the following revised tariff sheet to its FPC Gas Tariff Original Volume No. 1, proposed to become effective November 1, 1976:

Twenty-Third Revised Sheet No. 7

Columbia Gulf states that such tariff sheet is necessary to place its rates suspended by Commission Order issued May 28, 1976 in this proceeding into effect at the end of the prescribed suspension period. The rates contained in the subject tariff sheet have been revised to give effect to the following:

The exclusion of costs associated with Rate Base on facilities which have not been certified and placed in service as of September 30, 1976. Such adjustment has been made in compliance with Commission Order issued May 28, 1976 in this proceeding.

Docket No. RP76-138. Take notice that Columbia Gulf Transmission Company (Columbia Gulf) on October 1, 1976 tendered for filing the following revised tariff sheets to its FPC Gas Tariff Original Volume No. 2, proposed to become effective November 1, 1976:

First Revised Sheet No. 72
First Revised Sheet No. 73
First Revised Sheet No. 92
First Revised Sheet No. 93
First Revised Sheet No. 126
Second Revised Sheet No. 145
Second Revised Sheet No. 146
Second Revised Sheet No. 147
Second Revised Sheet No. 148
Second Revised Sheet No. 149
Second Revised Sheet NL 150
Second Revised Sheet No. 151
Second Revised Sheet No. 152
First Revised Sheet No. 256
First Revised Sheet No. 263

Columbia Gulf states that such tariff sheets are necessary to place its rates suspended by Commission Order issued August 31, 1976 in this proceeding into effect at the end of the prescribed suspension period and to consolidate proceedings herein with proceedings in Docket No. RP76-94.

Copies of this filing were served upon Columbia Gas Transmission Corporation, Consolidated Gas Supply Corporation, Texas Gas Transmission Corporation, Transcontinental Gas Pipeline Company and Natural Gas Pipeline Company of America.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 28, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must filed a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-30615 Filed 10-18-76;8:45 am]

[Docket No. RP72-157; PG77-1 and RD77-1]

CONSOLIDATED GAS SUPPLY CORP.

Proposed Changes in FPC Gas Tariff

OCTOBER 12, 1976.

Take notice that on October 1, 1976 Consolidated Gas Supply Corporation (Consolidated) tendered for filing Fifteenth Revised Sheets Nos. 8 and 9 to its FPC Gas Tariff, Second Revised Volume No. 1. Consolidated states the revised sheets reflect these changes:

1. A credit of $8.6 million for Unrecovered Purchase Gas Cost Account and Flow Through of Supplier Refund under Sections 12.3 and 12.6;
2. An increase 0.02¢ per Mcf under Section 13 for research and development expenditures incurred for the twelve months ended July 31, 1976;
3. Surcharge including carrying charges at 9% of 0.83¢ per Mcf under procedures prescribed by Opinion No. 770 and the Commission's order issued September 22, 1976 in Docket No. RM75-14.

Consolidated states that it has included no changes in cost of gas in this filing.

Consolidated requests waiver of any of the Commission's Rules and Regulations in order to permit the revised sheets to become effective November 1, 1976.

Consolidated states it has served copies of its tendered filing on its customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 28, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-30600 Filed 10-18-76;8:45 am]

[Docket No. E-8133]

CONSUMERS POWER CO.

Supplemental Application

OCTOBER 13, 1976.

Take notice that on October 1, 1976, Consumers Power Company (Applicant) filed an application seeking an order pursuant to Section 204 of the Federal Power Act authorizing the issuance and sale from time to time on or before December 31, 1977, of promissory notes to commercial banks purchasing such notes as a financial institution or as a fiduciary, promissory notes to non-banking institutions and commercial paper up to but not exceeding $300,000,000 in aggregate principal amount. On November 7, 1975, and December 10, 1976, in Docket No. E-8133, the Commission authorized Applicant to issue and sell from time to time prior to December 31, 1976 promissory notes to evidence bank borrowings, non-bank borrowings and commercial paper up to but not exceeding $300,000,000 in aggregate principal amount.

Applicant is incorporated under the laws of the State of Michigan, with its principal place of business in Jackson, Michigan, and is engaged in the electric and natural gas utility business in the State of Michigan.

Applicant proposes to use the proceeds from the issuance of securities to provide a portion of the funds necessary for the construction, completion, extension and improvement of facilities, the cost of which is expected to total approximately $400,000,000 in 1976.

The notes issued to commercial banks and notes issued to non-banking institutions will mature not later than nine months from the date of issue. The interest rate on the short-term notes payable to commercial banks is expected to be not more than the prime rate but will be dependent upon the terms of the notes and the money market conditions at the time of issuance and may change during the period of the notes to conform with changes in interest rates. The interest rates on short-term notes payable to non-banking institutions will be dependent on the terms of the notes and the money market conditions at the time of issuance. The commercial paper will mature not later than 270 days from date of issue and will carry an interest rate which will be dependent upon the terms of the notes and the money market conditions at the time of issuance.

Any person desiring to be heard or to protest said application should, on or before November 1, 1976, file with the Federal Power Commission, 825 North Capitol St., NE, Washington, DC 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 C.F.R. 1.8 and 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to the proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-30607 Filed 10-18-76;8:45 am]

[Docket No. ER77-8]

EMPIRE DISTRICT ELECTRIC CO.

Letter Agreement

OCTOBER 13, 1976.

Take notice that on October 4, 1976, the Empire District Electric Company (Empire) tendered for filing a letter agreement between Southwestern Power Administration (Southwestern) and Empire which allows Empire to modify Southwestern's 69 kv line near Gravette, Arkansas, according to Empire. Empire states that this modification in essence will be the addition of a crossarm on Southwestern's structure plus insulators and conductors to bring a tap from Southwestern's 69 kv line to a switch location on Empire's private right of way adjacent to Empire's 69 kv line in the vicinity where these lines cross. Empire states that the switch will normally remain open and that its purpose will be for emergency use to enable one system to assist the other system in the event of an outage to that system's transmission line.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 27, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-30618 Filed 10-18-76;8:45 am]

[Docket No. CP73-345]

MIDWESTERN GAS TRANSMISSION CO.; PANHANDLE EASTERN PIPE LINE CO.

Order Vacating Certificate of Public Convenience and Necessity

OCTOBER 13, 1976.

TERMINATION OF CERTIFICATE FOR NONACTUATION. Before Commissioners: Richard L. Dunham, Chairman; Don S. Smith, John H. Holloman, and James F. Watt.

By order issued April 15, 1974, in Docket No. CP73-345 (51 FPC 1302) the Commission granted a certificate of public convenience and necessity pursuant to Section 7(c) of the Natural Gas Act authorizing Midwestern Gas Transmission Company (Midwestern) and Panhandle Eastern Pipe Line Company (Panhandle) to exchange natural gas in quantities not to exceed 10,000 Mcf per day over a two-year period in order to assist The Peoples Gas Light and Coke Company (Peoples), a distributor customer of Midwestern, in testing and developing an underground gas storage reservoir in Edgar County, Illinois. A portion of the gas which Peoples otherwise would have purchased for delivery at Joliet, Illinois, under an existing sales agreement and pursuant to prior Commission authorization would have been delivered instead in Edgar County. Panhandle would have made the actual deliveries of gas to Peoples through an existing interconnection and Midwestern in turn would have delivered equivalent quantities of gas, also in Edgar County, to Panhandle through an interconnection which would have been constructed and operated specifically for that purpose. Midwestern would have reduced its deliveries to Peoples at Joliet by a quan-

tity of gas equivalent to that which was delivered to Panhandle.

By separate letter agreements dated April 12, 1976, Peoples, Panhandle and Midwestern cancelled their June 5, 1972, gas exchange agreement on the basis that it was no longer feasible for Peoples to go forward with the proposed exchange. There are no related tariff filings involved herein.

Midwestern and Panhandle submitted letters on May 3, 1976, and May 17, 1976, respectively, advising that the exchange of natural gas was never performed and is no longer needed. Further, the additional facilities necessary to implement the service were never constructed.

The Commission finds: It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the certificate of public convenience and necessity issued in Docket No. CP73-345 be vacated.

The Commission orders: The certificate of public convenience and necessity issued in Docket No. CP73-345 is vacated.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.76-30613 Filed 10-18-76;8:45 am]

[Docket No. RP76-96]

NATIONAL FUEL GAS SUPPLY CORP.

Filing of Motion To Place Rates Into Effect After Suspension Period

OCTOBER 12, 1976.

Take notice that on September 28, 1976, National Fuel Gas Supply Corporation ("National") submitted a motion to place into effect on November 1, 1976 a substitute tariff sheet[1] to that suspended by the Commission's Order issued on May 28, 1976 in the above docket, and its agreement and undertaking to comply with the terms and conditions of Section 154.67 of the Commission's Regulations. National states that the substitute tariff sheet is identical to that suspended until November 1, 1976 by the Commission's Order of May 28, 1976 in the above docket except in the following respects:

A. National's rates have been adjusted pursuant to the purchased gas adjustment provisions of Section 17 of the General Terms and Conditions of its tariff to reflect approved supplier rate changes from February 29, 1976 through September 15, 1976 (see Schedule 1).

B. A surcharge adjustment of 0.89¢ per Mcf which became effective October 1, 1976, is reflected on Substitute Eighth Revised Sheet No. 4.

It is stated that copies of the filing have been mailed to all of National's jurisdictional customers and affected state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before October 26, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-30602 Filed 10-18-76;8:45 am]

[1] Original Volume No. 1: Substitute Eighth Revised Sheet No. 4

[Docket No. RP73-48]

NORTHERN NATURAL GAS CO., PEOPLES NATURAL GAS DIVISION

Refund Report

OCTOBER 7, 1976.

Take notice that on September 20, 1976, Peoples Natural Gas Division of Northern Natural Gas Company (Northern) tendered for filing a Refund Report reflecting refunds made by Peoples Division as a result of a reduction in rates by its pipeline supplier, Colorado Interstate Gas Company (CIG), effective for the period June 1, 1976 to June 30, 1976, according to Northern. Northern states that the refund by Peoples Division affected customers served under its FPC Gas Tariff, Original Volume No. 4. Northern states that in its filing made June 10, 1976, it indicated that refunds would be made to customers served under Volume No. 4 to reflect the .33c per Mcf overcollection by Peoples Division for volumes taken by jurisdictional customers during the period June 1, 1976, to June 30, 1976. Northern states that $359.44, including interest at 7%, has been refunded by Peoples Division to customers served under Volume No. 4 by being reflected as bill credits on the invoice to jurisdictional customers for the August, 1976 billing month. Northern states that this refund report is filed in accordance with the Commission order dated July 9, 1976, in Docket No. RP73-48, PGA No. 76-4.

Northern states that copies of the filing were served upon each of the Gas Utility Customers and interested State Commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 20, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-30614 Filed 10-18-76;8:45 am]

[Docket No. E-9559; Project No. 2114]

PUBLIC UTILITY DISTRICT NO. 2 OF GRANT COUNTY, WASH.

Complaint

OCTOBER 13, 1976.

Public notice is hereby given that a complaint was filed on September 22, 1976, by the State of Washington Department of Fisheries (Fisheries) (Correspondence to: James M. Johnson, Assistant Attorney General, 600 No. Capitol Way, Olympia, Washington 98504) respecting the operation of Project No. 2114, known as the Priest Rapids Project, licensed to Public Utility District No. 2 of Grant County, Washington. The Priest Rapids Project is located on the Columbia River in Chelan, Douglas, Kittitas, Grant, Yakima, and Benton Counties, Washington. The project also affects lands of the United States.

In the complaint Fisheries alleges that the area downstream from the Priest Rapids Dam serves as an important spawning and rearing area for fall chinook salmon. Fisheries claim that the 36,000 cfs minimum flow established in the project license causes a drying up of many spawning areas resulting in the stranding and subsequent death of the fish when large areas are exposed. Fisheries states that the fish spawn from October 15 through November 30 and eggs and fry are present in the gravel areas from October 15 through April 30.

The relief requested in the complaint is that the minimum flow requirement in the license be raised to 70,000 cfs for the period of October 15 to April 30 of each year for the protection of fish life.

Any person desiring to be heard or to make any protest with reference to said complaint should on or before November 15, 1976, file with the Federal Power Commission, 825 N. Capitol Street, N.E., Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 C.F.R. § 1.10 (1976). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

The complaint is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-30603 Filed 10-18-76;8:45 am]

[Docket No. RP73-92; PGA76-5]

RATON NATURAL GAS CO.

Proposed Changes in FPC Gas Tariff

OCTOBER 13, 1976.

Take notice that on September 20, 1976 Raton Natural Gas Company (Raton) tendered for filing Twelfth Revised Sheet No. 3a to its FPC Gas Tariff, Volume No. 1. Raton states that the revised sheet is occasioned by and will compensate it for increases in cost of gas purchased from Colorado Interstate Gas Company (CIG). The tracking of CIG gas cost increase of $0.23 per Mcf of Demand and 8.57¢ per Mcf of Commodity results, according to Raton, in increased rates of $1.36 per Mcf Demand and 80.19¢ per Mcf Commodity. The annual revenue increase from this filing amounts to $115,326.

Raton requests an effective date of October 1, 1976, for these revised sheets.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 28, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-30611 Filed 10-18-76;8:45 am]

[Docket No. RP76-156]

TENNESSEE GAS PIPELINE CO., A DIVISION OF TENNECO, INC.

Filing of Proposed Tariff Changes

OCTOBER 13, 1976.

Take notice that on September 23, 1976, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee) tendered for filing First Revised Sheet No. 213J, Second Revised Sheet No. 213K, and First Revised Sheet No. 213L of Ninth Revised Volume No. 1 of its FPC Gas Tariff proposed to become effective October 24, 1976.

Tennessee states that the sole purpose of filing the proposed revised tariff sheets is to amend Section 9 of Article XXIV of the General Terms and Conditions of its FPC Gas Tariff to enable Tennessee to recoup curtailment credits on a current basis rather than for a past determination period. Tennessee further states that no changes in its rates and charges are proposed in this filing.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 26, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-30617 Filed 10-18-76;8:45 am]

[Docket No. RP76-99]

TENNESSEE NATURAL GAS LINES, INC.

Tender of Tariff Sheets and Motion To Make Tariff Sheets Effective

OCTOBER 13, 1976.

Take notice that on October 1, 1976, Tennessee Natural Gas Lines, Inc. (Tennessee Natural) tendered for filing the following tariff sheets:

Second Revised Sheet No. 1
First Revised Sheet No. 2.
First Revised Sheet No. 4-A
First Revised Sheet No. 4-B
Substitute Seventeenth Revised Sheet No. PGA-1
Substitute Twelfth Revised Sheet No. PGA-2

Tennesse Natural also filed a motion to make the tariff sheets effective November 1, 1976. The tariff sheets had previously been suspended by Commission order issued May 28, 1976, until November 1, 1976, according to Tennessee Natural. Tennessee Natural states, however, that Substitute Seventeenth Revised Sheet No. PGA-1 and Substitute Twelfth Revised Sheet No. PGA-2 that it is tendering have been updated to reflect all pipeline supplier rate changes incurred by Tennessee Natural since April 30, 1976, and the rates it will be paying its supplier on November 1, 1976.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 26, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-30605 Filed 10-18-76;8:45 am]

[Docket No. RP76-99]

TENNESSEE NATURAL GAS LINES, INC.

Tender of Corrected Tariff Sheet

OCTOBER 13, 1976.

Take notice that by letter dated October 5, 1976, Tennessee Natural Gas Lines, Inc. (Tennessee Natural) submitted Substitute First Revised Sheet No. 4-A, proposed to become effective November 1, 1976, and requested that it be substituted for sheet 4-A attached to Tennessee Natural's Motion filed October 1, 1976. Tennessee Natural states that the substitute sheet fills in blanks on the prior sheet.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 26, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-30606 Filed 10-18-76;8:45 am]

[Docket No. CP76-535]

TEXAS GAS TRANSMISSION CORP.

Application

OCTOBER 13, 1976.

Take notice that on September 23, 1976, Texas Gas Transmission Corporation (Applicant), P.O. Box 1160, Owensboro, Kentucky 42301, filed in Docket No. CP76-535 an application pursuant to Section 7(c) of the Natural Gas Act and Section 2.79 of the Commission's General Policy and Interpretations (18 CFR 2.79) for a certificate of public convenience and necessity authorizing the transportation of natural gas for the Aluminum Company of America (Alcoa), an existing industrial customer of Southern Indiana Gas and Electric Company (SIGECO), one of Applicant's resale customers, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant proposes to transport on an interruptible basis for a two-year period up to 1,846 Mcf of gas per day. It is stated that Alcoa has entered into a contract with Aztec Oil & Gas Company and Dynamic Exploration, Inc. (Aztec) for the purchase of natural gas to be produced from certain leasehold interests presently owned or controlled by Aztec in Calcasieu Parish, Louisiana. Such gas would be delivered to Applicant by Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), at an ex-

isting meter station located near Tennessee's Greenville, Mississippi, compressor station on Applicant's 26-inch main line system in Washington County, Mississippi, for redelivery to Applicant's existing point or points of delivery with SIGECO for the account of Alcoa, it is said. Further, the application indicates that in no event would Applicant be obligated to deliver on any day an aggregate amount of more than the contract demand of 102,000 Mcf of gas through all points of delivery of Applicant to SIGECO. It is stated that no new facilities would be required to effectuate the proposed transportation service. Alcoa would pay Aztec $1.35 per Mcf of gas at 14.73 Mcf during the first contract year and an increase of 3 cents per Mcf during the second contract year, it is shown, and in addition, Alcoa would pay 25 cents per Mcf until Aztec's investment in gathering, metering, and delivery services has been recouped, and 10 cents per Mcf thereafter.

Applicant proposes to charge 13.76 cents per Mcf of gas at 14.73 psia for the service and would retain 7.7 percent of the volumes received for transportation as makeup for compressor fuel and line loss.

It is stated that since the volumes to be transported under this and any similar transportation agreements with customers of distributors, when added to any volumes being transported for the distributors themselves and the distribution customers' scheduled daily deliveries, would not exceed the contract entitlement of the distributors from Applicant, there exists sufficient pipeline capacity to perform the service on a peak day, average day and annual basis. Further, it is said that the proposed transportation service would have no impact on Applicant's ability to provide system-wide deliveries for Priority 1 markets.

Applicant asserts that if the natural gas is not sold to Alcoa, it would be sold to an intrastate pipeline or to a direct consumer located in Louisiana, and therefore, Applicant does not consider the gas to be available to it for purchase.

The application states that the gas to be transported would be used for Priority 2 uses in Alcoa's primary aluminum smelter, ingot casting facility, and aluminum rolling mill, which require a supply of natural gas for fuel in tunnel kilns and other direct flame applications.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 1, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-30608 Filed 10-18-76;8:45 am]

[Docket No. CP72-186]

TEXAS GAS TRANSMISSION CORP.

Petition To Amend

OCTOBER 12, 1976.

Take notice that on September 29, 1976, Texas Gas Transmission Corporation (Petitioner), 3800 Frederica Street, Owensboro, Kentucky 42301, filed in Docket No. CP72-186 a petition to amend the order of August 23, 1972, issuing a certificate of public convenience and necessity in said docket pursuant to Section 7(c) of the Natural Gas Act, by which petition Petitioner requests authorization to add a third point of receipt at the outlet of the jointly-owned measurement facilities of Petitioner and Columbia Gulf Transmission Company (Columbia Gulf) to receive natural gas from Consolidated Gas Supply Corporation (Consolidated), all as more fully set forth in the petition to amend on file with the Commission and open to public inspection.

Petitioner states that by the order of August 23, 1972, issued in the instant docket, Petitioner was authorized to transport up to 20,000 Mcf per day of natural gas for Consolidated from the Eugene Island Area, offshore Louisiana, through facilities jointly owned by Petitioner and Columbia at Block 250, Eugene Island Area, for further transportation to the terminus of the western leg of the Blue Water System, where the gas is delivered by Columbia Gulf to Transcontinental Gas Pipe Line Corporation (Transco) for further transportation for Consolidated to its market area in the Appalachian Area.

It is said that Consolidated has acquired additional reserves of natural gas in the Eugene Island Area and has requested Petitioner to amend its transportation agreement to add a third point of receipt at the outlet of the jointly owned measurement facilities of Petitioner and Columbia Gulf, located on Block 309 "G" Platform of the Forest Oil Company, et al. Eugene Island Area, offshore Louisiana. The contract demand of 20,000 Mcf per day would remain unchanged by this ment, it is stated.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before October 29, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-30599 Filed 10-18-76;8:45 am]

[Docket No. CP76-540]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Application

OCTOBER 12, 1976.

Take notice that on September 29, 1976, Transcontinental Gas Pipe Line Corporation (Applicant), P.O. Box 1396, Houston, Texas 77001, filed in Docket No. CP76-540 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of minor facilities and the transportation of natural gas on an interruptible basis for Amoco Production Company (Amoco), all as more fully set forth in the application on file with the Commission and open to public inspection.

It is stated that Amoco would deliver to Applicant up to 15,000 Mcf per day of gas produced in the Jourdanton Field Area, Atascosa County, Texas, from time to time as Amoco elects within the next several years. Applicant would transport the gas to its Tilden Plant, McMullen County, Texas, for processing to remove H_2S and CO_2, and further transport equivalent residue quantities for redelivery to Amoco at the Katy Gas Plant, Waller County, Texas, it is said.

Applicant proposes to construct a tap and measuring and regulating station to receive the gas into its system at an estimated cost of $23,100, for which Amoco would reimburse Applicant.

It is indicated that Applicant would charge 14 cents per Mcf of gas at 14.7 psia for the transportation service to and processing at the Tilden Plant and 4 cents per Mcf for the transportation service to the Katy Gas Plant. Applicant would retain 16.1 percent of the gas received at Jourdanton for fuel and shrinkage makeup and 0.4 percent of the Tilden Plant residue quantities for compressor fuel and line loss makeup.

Applicant asserts that besides making more sour gas available to its Tilden Plant for processing, the proposed service would benefit Applicant and its customers by the higher load factor utilization of Applicant's existing system from the Jourdanton Field Area, Atascosa County to the Katy Gas Plant, Waller County, Texas, a distance of some 232 pipeline miles. Further it is said that after receipt of the gas at the Katy Gas Plant, it is Amoco's intention to sell the gas to an affiliated company which would thereafter resell the gas to industries in the Houston-Texas City Area and that a survey conducted in 1975 indicates that over 43 percent of its affiliate's gas sales are consumed by industries under Rule 2, Categories B and C of the Texas Railroad Commission Curtailment Order Docket 489 dated January 5, 1973.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 29, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-30601 Filed 10-18-76;8:45 am]

[Docket No. CP76-541]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Application

OCTOBER 13, 1976.

Take notice that on September 29, 1976, Transcontinental Gas Pipe Line Corporation (Applicant), P.O. Box 1396, Houston, Texas 77001, filed in Docket No. CP76-541 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the operation of an additional delivery point for natural gas from Consolidated Gas Supply Corporation (Consolidated) to Applicant at the Crowley point of interconnection between the systems of Applicant and Tennessee Gas Pipeline Company, a Division of Tenneco, Inc. (Tennessee), in Acadia Parish, Louisiana, for redelivery by Applicant to Consolidated at a point near Leidy, Pennsylvania, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that under the terms of an agreement dated September 12, 1972, Applicant is obligated to transport for Consolidated on a firm basis 71,548 Mcf of gas per day and that Consolidated must pay a demand charge on this quantity whether or not it is available to be transported. Consolidated has secured the right to purchase natural gas produced from various blocks, offshore Louisiana in the vicinity of Tennessee's Blue Water Project (BWP) facilities, it is said, and Tennessee and Consolidated seek to amend a previously certificated exchange and transportation arrangement between them so as to provide for additional points of receipt for gas received by Tennessee from or for the account of Consolidated on the BWP, and the transportation of such gas by Tennessee for delivery onshore to Applicant at the Crowley point of interconnection, for the account of Consolidated.

Applicant states that no increase in the transportation demand volume is involved and no additional facilities are required to establish this delivery point. It is asserted that the addition of the proposed delivery point would assist Consolidated by making additional volumes of gas available to utilize fully the firm capacity committed to it under the September 12, 1972, transportation agreement.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 29, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-30610 Filed 10-18-76;8:45 am]

[Docket No. CP77-3]

UNITED GAS PIPE LINE CO.

Application

OCTOBER 13, 1976.

Take notice that on October 1, 1976, United Gas Pipe Line Company (Applicant), P.O. Box 1478, Houston, Texas 77001, filed in Docket No. CP77-3 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of a one-inch farm tap on Applicant's Shovan-Sterlington 12-inch pipeline in Section 5, Township 18 North, Range 4 East, Quachita Parish, Louisiana, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that in June, 1955, C. C. Matkins granted Applicant a right-of-way and easement authorizing the construction of a segment of Applicant's Shovan-Sterlington 12-inch pipeline across certain lands owned by him in Quachita Parish, Louisiana. It is stated that in partial consideration for the granting of said right-of-way to Applicant, C. C. Matkins was advised that a farm tap would be constructed by Applicant and that deliveries of natural gas to his principal dwelling would be made through the distributor in the area, United Gas Corporation (Corporation) then an affiliate of Applicant.

Applicant indicates that, basing his request upon that agreement with his deceased father, W. C. Matkins has requested that Applicant install a farm tap to provide gas service for his proposed residence at the above-mentioned location.

Applicant has contacted Louisiana Gas Service Company (Louisiana Gas), successor in interest to Corporation, and presently a distributor in the Ouachita Parish, Louisiana area, and has been advised that farm tap service to W. C. Matkins can be provided from within the seasonal volumetric limitation which may be established for its purchases from Applicant by the Commission, it is said. It is estimated that deliveries of gas through this farm tap would be approximately 80 Mcf annually. Applicant

states that for these reasons it is obligated to extend farm tap service to W. C. Matkins.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 1, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-30609 Filed 10-18-76;8:45 am]

COMMISSION ON EXECUTIVE, LEGISLATIVE, AND JUDICIAL SALARIES

INVITATION TO COMMENT

Every fourth year, a Commission on Executive, Legislative, and Judicial Salaries is formed to make recommendations to the President on the appropriate level of compensation for positions in the Executive Branch from Cabinet officer through Level V, and for U.S. Representatives and Senators, Supreme Court Justices and other members of the Federal Judiciary. The Commissioners are appointed by representatives of each of the three branches of the federal government; three, including the Chairman, are appointed by the President, and two each by the Chief Justice, the Speaker of the House, and the President of the Senate.

Effective October 1st, the Commission has been established and has begun an active study of this important matter of compensation. In November the Commission must submit its recommendations to the President, who in turn will make his recommendations in the Annual Budget Message in January.

As part of their review, the Commissioners wish to seek out and carefully consider the views of all interested parties, including federal government officials, organized labor, the business community, professional associations and the general public. To accomplish this exchange of views in the limited time available, it is hereby requested that interested parties submit written views and comments to the Commission.

The Commission requests that all written views and comments be submitted not later than November 4, 1976. While the Commission appreciates that the scope and complexity of these issues will make it difficult for some interested parties to respond fully in the time allowed, the short time in which the Commission must arrive at its recommendations necessitates its receiving outside views as soon as possible. After receiving the views and comments that are submitted, the Commission intends to schedule hearings for discussion of the views of the interested parties.

In order to make certain that the Commission and its staff may be able to give full consideration to all such input, those wishing to make submissions should follow the procedure outlined below:

1. Advise W. R. Liebtag, Executive Director of the Commission. This may be done by telephone, Area Code (202) 634-1650, or in writing—Suite 801, 1750 K Street, NW., Washington, D.C., 20006.
2. Submit in writing an executive summary of your views.
3. Include therein:
   a. Name of organization, telephone number, address and individual to be contacted.
   b. Whether or not the organization wishes to give public testimony and the length of time required if public testimony is appropriate.
4. The total executive summary, including the information called for in No. 3, above, should not exceed two type-written pages.
5. Supplemental material is welcomed and may be submitted in addition to the executive summary.

WESLEY R. LIEBTAG,
Executive Director.

[FR Doc.76-30747 Filed 10-18-76;8:45 am]

FEDERAL RESERVE COMMISSION

A&K, INC.

Formation of Bank Holding Company

A&K, Inc., Minneapolis, Kansas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company with respect to the successor by merger to The Ottawa County Bank, Minneapolis, Kansas ("Bank"), through the acquisition (1) of approximately 32 per cent of the voting shares of Bank, directly, and (2) of all of the voting shares of The Citizens Agency, Inc., Minneapolis, Kansas, a registered bank holding company, which controls approximately 61 per cent of the successor by merger to Bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than October 29, 1976.

Board of Governors of the Federal Reserve System, October 7, 1976.

GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.76-30573 Filed 10-18-76;8:45 am]

BANC-SOUTHWEST CORP.

Formation of Bank Holding Company

Banc-Southwest Corp., Amarillo, Texas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 80 per cent or more of the voting shares of Bank of the Southwest, Amarillo, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than November 5, 1976.

Board of Governors of the Federal Reserve System, October 13, 1976.

GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.76-30574 Filed 10-18-76;8:45 am]

DORCHESTER STATE CO.

Formation of Bank Holding Company

Dorchester State Company, Dorchester, Nebraska, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 100 per cent (less directors' qualifying shares) of the voting shares of Citizens State Bank, Dorchester, Nebraska. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than November 3, 1976.

Board of Governors of the Federal Reserve System, October 13, 1976.

GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.76-30575 Filed 10-18-76;8:45 am]

FIRST CITY BANCORPORATION OF TEXAS, INC.

Order Approving Acquisition of Bank

First City Bancorporation of Texas, Inc., Houston, Texas, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1843(a)(3)) to acquire all of the voting shares (less directors' qualifying shares) of First City Bank—Northeast, N.A., Houston, Texas ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. section 1842(c)).

Applicant, the second largest banking organization in Texas, controls 25 banks with aggregate deposits of $3.4 billion, representing approximately 7.3 percent of the total deposits held by commercial banks in Texas.[1] In addition to its 25 subsidiary banks, Applicant also controls interests of less than 25 percent in each of 6 other banks. Acquisition of Bank ($17.4 million in deposits) would increase Applicant's share of Statewide deposits by only 0.04 percent and thereby have no significant effect upon the concentration of banking resources in Texas.

Bank is located in a northeast suburb of Houston and ranks 76th out of the 169 banks competing in the Houston banking market,[2] controlling 0.2 percent of market deposits. Bank is the recently-chartered national bank successor by reorganization to Northeast Bank of Houston, Houston, Texas, which was declared insolvent by the Texas Banking Commissioner on June 3, 1976 and ordered closed. Applicant operates 12 banking subsidiaries in the Houston banking market and controls 21.2 percent of deposits therein. Applicant's closest subsidiary to Bank, located in Houston's central business district, is approximately 10 miles southwest of Bank. Acquisition of Bank by Applicant would contribute to an increase in Applicant's deposit share in the market. However, after consummation of the proposed transaction the four largest banking organizations would control 56.5 percent of market deposits. Existing competition between Applicant and Bank is significantly minimized in view of the competitive strength of Bank, the distances seperating Bank from Applicant's other subsidiary banks, and the number of intervening independent banking alternatives. Approval of this application would also appear not to have significant adverse effects upon potential competition since the anticipated increase in Applicant's share of market desposits would be minimal, the banking market would remain attractive to de novo entry, and numerous small and medium sized banks would continue to be available as entry vehicles. Accordingly, on the basis of the above and other facts of record, the Board concludes that consummation of the proposal would have only slightly adverse competitive effects.

The financial and managerial resources and future prospects of Applicant and its subsidiaries are regarded as generally satisfactory and consistent with approval.[3] The financial and managerial resources and future prospects of Bank, in the light of the previously failed condition of the predecessor to Bank and the events surrounding the chartering of Bank, are now regarded as generally satisfactory. Affiliation with Applicant should enable Bank to insure continuity of banking services to the public. Accordingly, the Board regards banking factors as lending weight toward approval of the application. Moreover, affiliation with Applicant would enable Bank to utilize Applicant's financial and managerial resources to strengthen and expand the services provided by Bank. Applicant will also offer to Bank such specialized services as management and personnel training, loan servicing and appraisal and investment advice. Thus, considerations relating to the convenience and needs of the community to be served lend weight toward approval of the application and in the Board's view, are sufficient to outweigh any slight adverse competitive effects that might result from consummation of the proposal. It is the Board's judgment that consummation of the proposed acquisition would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Dallas pursuant to delegated authority.

By order of the Board of Governors,[4] effective October 13, 1976.

GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.76-30576 Filed 10-18-76;8:45 am]

[1] All banking data are as of December 31, 1975, and reflect bank holding company formations and acquisitions approved as of September 30, 1976.

[2] The Houston banking market is the relevant banking market and is approximated by the Houston RMA, which is comprised of Harris County and portions of five adjacent counties in Texas.

[3] On September 15, 1976, the Board approved Applicant's acquisition of Red Bird National Bank, Dallas, Texas, a proposed new bank. In connection therewith, Applicant submitted a plan to insure completion, by March 31, 1977, of certain commitments to either divest itself of certain minority interests in various banks or to acquire complete ownership of these banks within a designated period of time. The Board relies in part on these undertakings in concluding that considerations relating to the managerial factors are consistent with approval of the instant application.

[4] Voting for this action: Vice Chairman Gardner, and Governors Coldwell, Jackson, Partee, and Lilly. Absent and not voting: Chairman Burns and Governor Wallich.

FIRST MIDWEST BANCORP., INC.

Order Approving Acquisition of Bank

First Midwest Bancorp., Inc., St. Joseph, Missouri ("Applicant"), a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board of Governors' approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 80 percent or more of the voting shares of Platte Valley Bank, Ravenwood, Missouri ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Reserve Bank has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act.

Applicant, the fifteenth largest banking organization in Missouri, controls four banks with aggregate deposits of approximately $143 million, representing .83 percent of total commercial bank deposits in the State.[1] Acquisition of Bank ($7.8 million in deposits) would increase Applicant's share of total State deposits by only .04 percent, and would not result in a significant increase in the concentration of banking resources in Missouri. Applicant's ranking among banking organizations in the State would remain unchanged.

Bank is the third largest of six banks in the Maryville banking market,[2] and holds 7.23 percent of the market's total deposits. The two largest banks therein control approximately 80 percent of total deposits in the market. None of Applicant's subsidiary banks are located in the relevant market area; Applicant's nearest subsidiary bank is located in Savannah, Missouri, approximately 40 miles from Bank. The record indicates that there is no significant existing competition between Bank and any of Applicant's subsidiary banks.

While the relevant market appears to be generally attractive for de novo entry, other potential entrants remain. Furthermore, in view of the high level of concentration in the market and Bank's

[1] All banking data are as of December 31, 1975, and reflect bank holding company formations and acquisitions approved as of September 30, 1976.

[2] The Maryville banking market is approximated by Nodaway County.

relative size and market position therein, Applicant's acquisition of Bank can be considered as a foothold entry into the market and should increase Bank's ability to compete more effectively with the market's larger organizations. Based upon the facts of record, it is concluded that consummation of the proposed transaction would have no significant adverse effects on existing or potential competition. Accordingly, competitive factors are consistent with approval of the acquisition.

The financial and managerial resources and future prospects of Bank and of Applicant and its subsidiary banks appear generally satisfactory. Therefore, considerations relating to banking factors are consistent with approval of the application.

Affiliation with Applicant should enable Bank to offer expanded banking services, including an increased variety of savings options and extended banking hours. These factors, as they relate to the convenience and needs of the community to be served, lend weight toward approval of the application. It is the Reserve Bank's judgment that consummation of the proposed acquisition is in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth day following the effective date of this Order, or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board of Governors or by the Federal Reserve Bank of Kansas City, pursuant to delegated authority.

JOHN F. ZOELLNER,
Vice President.

OCTOBER 5, 1976.

[FR Doc.76-30577 Filed 10-18-76;8:45 am]

FIRST NATIONAL HOLDING CORP.

Acquisition of Bank

First National Holding Corp., Atlanta, Georgia, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 per cent of the voting shares of First Bank of Savannah, Savannah, Georgia. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. 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 November 10, 1976.

Board of Governors of the Federal Reserve System, October 7, 1976.

GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.76-30578 Filed 10-18-76;8:45 am]

FREECO, INC.

Acquisition of Bank

Freeco, Inc., Hermitage, Missouri, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to retain 48.9 percent or more of the voting shares of Bank of Hermitage, Hermitage, Missouri. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than November 11, 1976.

Board of Governors of the Federal Reserve System, October 8, 1976.

GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.76-30579 Filed 10-18-76;8:45 am]

MANUFACTURERS NATIONAL CORP.

Acquisition of Bank

Manufacturers National Corporation, Detroit, Michigan, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 80 per cent or more of the voting shares of National Bank of Southfield, Southfield, Michigan or the successor by merger of such bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of 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 November 15, 1976.

Board of Governors of the Federal Reserve System, October 13, 1976.

GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.76-30580 Filed 10-18-76;8:45 am]

MILCO BANCORPORATION, INC.

Order Approving Formation of Bank Holding Company and Engaging in Insurance Agency Activities

Milco Bancorporation, Inc., Iberia, Missouri ("Applicant"), has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. section 1842(a)(1)) to become a bank holding company through acquisition of 64.3 per cent of the voting shares of Bank of Iberia, Iberia, Missouri ("Bank"). At the same time, Applicant has applied, pursuant to section 4(c)(8) of the Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to acquire Tritten Insurance Company, Iberia, Missouri ("Company"), and thereby engage as an agency in the sale of credit life and credit accident and health insurance directly related to extensions of credit by Bank. Such activities have been determined by the Board to be closely related to banking (12 CFR 225.4(a)(9)(ii)(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 (FEDERAL REGISTER, Vol. 41, No. 152). The time for filing comments and views has expired, and the applications and comments received have been considered in light of the factors set forth in § 3(c) of the Act, and the considerations specified in section 4(c)(8) of the Act.

Applicant is a nonoperating corporation formed for the express purposes of becoming a bank holding company through the acquisition of Bank, and engaging in the sale of credit life and credit accident and health insurance. The proposed transaction involves the transfer of control of Bank and Company from individuals to a corporation owned by the same individuals. Upon acquisition of Bank (deposits of $6.3 million), Applicant would control the 348th largest bank in Missouri, holding .04 percent of the total deposits in commercial banks in the State.[1]

Bank is the largest of three banks in the relevant banking market,[2] and holds 35.4 percent of total market deposits. A principal shareholder of Applicant is also a principal shareholder of First National Bank, St. Robert, Missouri, located 25 miles from Bank in the adjoining Pulaski County. The amount of business derived from each other's service area does not appear to be significant. Also, the banks are in separate banking markets with two banks located between them. Since Applicant has no existing banking subsidiary, and in view of the fact that subject proposal is merely a reorganization of Bank's present ownership with no significant change in its operations, consummation of the proposal would not eliminate any existing or potential competition. Therefore, competitive considerations are consistent with approval of the application.

The financial condition, management, and future prospects of Applicant, which are primarily dependent upon Bank, are regarded as generally satisfactory. Applicant will incur acquisition debt incident to this proposal, which is expected to be retired over a ten and one-half year period with funds generated from operations of Bank and Company. Based on Bank's present capital position and its projected future growth and earnings, it appears that Applicant will be able to meet its debt servicing requirements without placing an undue strain on the

[1] All banking data as of December 31, 1975.
[2] The relevant banking market is approximated by the southern two-thirds of Miller County, minus Lake of the Ozarks.

Bank's capital adequacy. Thus, considerations relating to the banking factors are consistent with approval of the application.

Since Applicant intends to increase the interest rates paid on Bank's passbook savings accounts to the legal limit, considerations relating to the convenience and needs of the community to be served lend some weight toward approval of the application. Therefore, this Reserve Bank concludes that the proposed acquisition of Bank would be in the public interest and that the application to become a bank holding company should be approved.

Also incident to the reorganization of Bank's ownership, Applicant proposes to acquire Company and thereby engage as an agency in the sale of credit life and credit accident and health insurance directly related to extensions of credit by Bank. At present, Company engages in these activities on the premises of Bank. Thus, it does not appear that the acquisition of Company's activities by Applicant would have any significant effect on existing or potential competition. Approval of the application would assure residents of the community a convenient source of insurance services that for some time has been associated with Bank.[3] Further, the evidence in the record does not indicate that consummation of the proposal would lead to any undue concentration of resources, conflicts of interests, unsound banking practices, or any other adverse effects upon the public interest.

Based on the foregoing and other considerations reflected in the record, this Reserve Bank has determined, in accordance with the provisions of section 4(c)(8), that consummation of this proposal can reasonably be expected to produce benefits to the public that outweigh possible adverse effects and that the application to engage in credit-related insurance activities should be approved.

Accordingly, the applications are approved 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. The acquisition of Bank and the commencement of permissible insurance agency activities shall be made not later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of St. Louis pursuant to delegated authority. The determination as to Applicant's insurance activities is subject to the conditions set forth in § 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 modification or 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 St. Louis, acting pursuant to delegated authority for the Board of Governors of the Federal Reserve System, effective October 7, 1976.

HAROLD E. UTHOFF,
Senior Vice President.

[FR Doc.76-30581 Filed 10-18-76;8:45 am]

[3] Company is the successor to the insurance agency business conducted on Bank's premises by the previous owners of Bank.

OKLAHOMA STATE BANCORPORATION, INC.

Formation of Bank Holding Company

Oklahoma State Bancorporation, Ada, Oklahoma, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 80 percent or more of the voting shares of Oklahoma State Bank, Ada, Oklahoma. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than November 3, 1976.

Board of Governors of the Federal Reserve System, October 8, 1976.

GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.76-30582 Filed 10-18-76;8:45 am]

SHELDON SECURITY BANCORPORATION, INC.

Formation of Bank Holding Company

Sheldon Security Bancorporation, Inc., Sheldon, Iowa, has applied for the Board's approval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 27.70 per cent or more of the voting shares of Security State Bank, Sheldon, Iowa. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Sheldon Security Bancorporation, Inc., Sheldon, Iowa has also applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to acquire voting shares of Richard A. Schneider Agency, Sheldon, Iowa, and Security Agency, Sheldon, Iowa. Notice of the application was published on September 22, 1976 in The Sheldon Mail, a newspaper circulated in Sheldon, Iowa.

Applicant states that the proposed subsidiary would engage in the activities of acting as agent for the sale of insurance which is directly related to extensions of credit by the subsidiary bank. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C., 20551, not later than November 4, 1976.

Board of Governors of the Federal Reserve System, October 13, 1976.

GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.76-30583 Filed 10-18-76;8:45 am]

SOUTHERN BANKSHARES, INC.

Order Approving Retention of Charter Insurance Managers, Inc.

Southern Bankshares, Inc., Richmond, Virginia, 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 § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)) to retain all of the voting shares of Charter Insurance Managers, Inc. ("Charter"), Richmond, Virginia, and thereby to continue to control indirectly National Union Life Insurance Company ("Union Life"), Richmond, Virginia, by virtue of an exclusive management contract between Charter and Union Life.[1] Charter engages in insurance agency activities which are limited to acting as agent for the sale of credit life and credit accident and health insurance directly related to extensions of credit by Applicant's existing lending subsidiaries. In addition, by virtue of its control of Union Life, Charter engages in the activity of underwriting credit life insurance and credit accident and health insurance directly related to extensions of credit by Applicant's lending subsidiaries in Virginia. Such activities have been determined by the Board

[1] Applicant acquired Charter in June, 1970, and at that same time acquired control of Union Life. Under the provisions of section 4(a)(2) of the Act, Applicant may neither retain the shares of Charter nor continue to engage in the activities conducted by Union Life beyond December 31, 1980 without Board approval.

to be closely related to banking (12 CFR 225.4(a)(9)(ii)(a) and (10)).

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 33337 (1976)). The time for filing comments and views has expired, and the Board has considered the application and all comments received in the light of the public interest factors set forth in section 4(c)(8) of the Act (12 U.S.C. 1843(c)(8)).

Applicant, the tenth largest banking organization in Virginia, controls four subsidiary banks with aggregate deposits of approximately $229 million, representing about 1.3 percent of the total deposits in commercial banks in the State.[2] Applicant also engages, through nonbank subsidiaries, in data processing, consumer finance, and leasing activities.

In 1970, Applicant acquired the predecessor to Charter, a company which owned a contract to manage Union Life. Upon acquiring the predecessor to Charter, Applicant liquidated it and formed Charter to manage Union Life pursuant to the management contract and to act as agent for the sale of credit life insurance and credit accident and health insurance directly related to extensions of credit by Applicant's lending subsidiaries. Union Life is a company which, at the present time, underwrites credit life insurance and credit accident and health insurance directly related to extensions of credit by Applicant's lending subsidiaries in Virginia. Under its exclusive management contract with Union Life, Charter provides Union Life with home office management, procures agents, and sells insurance. It is by virtue of this exclusive contract that Applicant indirectly controls Union Life and thereby engages in the activity of underwriting credit life insurance and credit accident and health insurance. This proposal involves the retention by Applicant of insurance agency activities which were commenced *de novo* and underwriting activities which are limited to Applicant's lending subsidiaries. Approval of this proposal would not result in a significant adverse effect on either existing or potential competition in any relevant area.

Credit life and credit accident and health insurance is generally made available by banks and other lenders and is designed to assure repayment of a loan in the event of death or disability of the borrower. In connection with its addition of the underwriting of such insurance to the list of permissible activities for bank holding companies, the Board stated:

> To assure that engaging in the underwriting of credit life and credit accident and health insurance can reasonably be expected to be in the public interest, the Board will only approve applications in which an applicant demonstrates that approval will benefit the consumer or result in other public benefits. Normally, such a showing would be made by a projected reduction in rates or increase in policy benefits due to bank holding company performance of this service. [12 CFR 225.4(a)(10) n. 7]

Applicant has stated that following approval of this application, Union Life will offer at reduced premiums, and with increased policy benefits, the several types of credit insurance policies that it will underwrite. Union life will offer credit life insurance and credit accident and health insurance at premium rates 4 percent and 2.5 percent, respectively, below those presently being charged by Applicant's lending subsidiaries. In addition, Applicant has stated that Union Life will increase several policy benefits beyond the existing policy coverage; for example, by eliminating certain policy exclusions such as the suicide provision and the contestable provision, by increasing the availability of additional coverage amounts for the upper age group insureds, and by providing retroactive accident benefits payable from the first day of disability after the insured has been disabled for 30 days. Applicant has presented actuarial documentation to support its assertion that the proposed increases in policy benefits will result in quantified benefits to the public. Applicant's proposed increased policy benefits together with Applicant's proposed rate reductions will result in benefits to the public consistent with those provided in similar applications previously approved by the Board. Accordingly, the Board is of the view that the reductions in insurance premiums and the increases in policy benefits which Applicant proposes to establish and provide are, and will continue to be, in the public interest.

Based upon the foregoing and other considerations reflected in the record, including a commitment by Applicant to maintain on a continuing basis the public benefits which the Board has found to be reasonably expected to result from this proposal and upon which the approval of this proposal is based, the Board has determined that the balance of the public interest factors the Board is required to consider under section 4(c)(8) is favorable. Accordingly, the application is hereby approved. This determination is subject to the conditions set forth in § 225.4(c) of Regulation Y and to the Board's authority to require such modification or termination of the activities of a holding company or any of its 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 October 12, 1976.

GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.76-30584 Filed 10-18-76;8:45 am]

[2] All banking data are as of December 31, 1975.

[3] Voting for this action: Vice Chairman Gardner and Governors Coldwell, Jackson, Partee, and Lilly. Absent and not voting: Chairman Burns and Governor Wallich.

UNITED JERSEY BANK/CENTRAL

Order Approving Application for Merger of Banks

United Jersey Bank/Central, Elizabeth, New Jersey ("Applicant"), a State member bank of the Federal Reserve System, has applied for the approval of the Board of Governors of the Federal Reserve System pursuant to the Bank Merger Act (12 U.S.C. 1828(c)) of the merger of that bank with Suburban National/A United Jersey Bank, South Plainfield, New Jersey ("Suburban"), under the charter and title of Applicant. As an incident to the merger, the offices of Suburban would become branches of the resulting bank.

As required by the Act, notice of the proposed merger, in form approved by the Board, has been published, and reports on competitive factors have been requested from the Attorney General, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation. This Reserve Bank has considered this application and all comments and reports received in the light of the factors set forth in the Act.

Both Applicant and Suburban are subsidiaries of United Jersey Banks, Princeton, New Jersey, a registered bank holding company under the Bank Holding Company Act of 1956, as amended (12 U.S.C. 1841 *et seq.*).

Applicant, with deposits of $60.3 million,[1] controls 1.2 per cent of the deposits in the Greater Newark banking market[2] and operates nine offices in that market.

Suburban holds deposits of approximately $12.6 million and operates two offices in South Plainfield and Edison and has received approval for another office in South Plainfield which it plans to open prior to the merger. Suburban controls less than one per cent of the deposits in the Plainfield banking market[3]; by size of deposits, Suburban ranks 17th of the 19 commercial banking organizations in the Plainfield market.

Because Applicant and Suburban are wholly-owned subsidiaries of the same bank holding company, consummation of the proposal would neither eliminate any existing or potential competition nor increase the concentration of banking resources in any relevant area. Nor does it appear that approval of the Application would have any adverse effect on any other banks within the relevant banking markets. Accordingly, competitive considerations are consistent with approval of the application.

The financial and managerial resources of Applicant and Suburban are satisfac-

[1] All banking deposit data are as of June 30, 1976; market share data are as of June 30, 1975.

[2] The Greater Newark banking market consists of Essex County, the western portion of Hudson County, the communities of Lindhurst and North Arlington in Bergen County, eastern Morris County, and all of Union County except the City of Plainfield.

[3] The Plainfield banking market is approximated by several communities in northern Middlesex County, the City of Plainfield in Union County, and substantially all of Somerset County.

tory, and the prospects for the resulting bank are favorable. Consequently, banking factors are consistent with approval of the application. Consummation of the proposed merger would improve the present banking services available to customers of Suburban by introducing trust services and by increasing the legal lending limit at the former Suburban offices. Accordingly, considerations relating to the convenience and needs of the communities to be served are consistent with approval of the application.

It is the judgment of the Federal Reserve Bank of New York that consummation of the proposed merger would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the thirtieth calendar day following the date of this Order or (b) later than three months after the date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of New York pursuant to delegated authority.

By order of the Federal Reserve Bank of New York, acting pursuant to delegated authority for the Board of Governors of the Federal Reserve System, effective October 1, 1976.

FREDERICK C. SCHADRACK,
Vice President,
Federal Reserve Bank of New York.

OCTOBER 1, 1976.

[FR Doc.76-30585 Filed 10-18-76;8:45 am]

GENERAL ACCOUNTING OFFICE

REGULATORY REPORTS REVIEW

Receipt of Report Proposal

The following request for clearance of a report intended for use in collecting information from the public was received by the Regulatory Reports Review Staff, GAO, on October 13, 1976. See 44 U.S.C. 3512(c) and (d). The purpose of publishing this notice in the FEDERAL REGISTER is to inform the public of such receipt.

The notice includes the title of the request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed CAB request are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed request, comments (in triplicate) must be received on or before November 8, 1976, and should be addressed to Mr. John M. Lovelady, Acting Assistant Director, Regulatory Reports Review, Room 5216, 425 I Street, NW., Washington, D.C. 20548.

Further information may be obtained from Patsy J. Stuart of the Regulatory Reports Review Staff, 202-376-5425.

CIVIL AERONAUTICS BOARD

CAB requests an extension no change clearance of CAB Form 243—Report of Charter Services Performed for the Military Airlift Command. This form provides data on military charter passenger and cargo operations performed by certificated air carriers under contracts with the Military Airlift Command (MAC) of the Department of Defense. Submission of CAB Form 243 by these carriers is mandatory under the Federal Aviation Act of 1958, as amended. CAB estimates respondents, at present, to be approximately 11 certificated air carriers and reporting burden to average 56 hours per quarterly response.

JOHN M. LOVELADY,
Acting Assistant Director,
Regulatory Reports Review.

[FR Doc.76-30596 Filed 10-18-76;8:45 am]

INTERNATIONAL TRADE COMMISSION

[AA1921-161]

PORTLAND HYDRAULIC CEMENT FROM MEXICO

Place of Tampa Hearing

Notice is hereby given that the United States International Trade Commission's public hearing in connection with investigation No. AA1921-161, portland hydraulic cement, other than white nonstaining, from Mexico, under section 201 (a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), will be held at 10 a.m., e.d.t., October 19, 1976, in District Courtroom #3 at 601 North Florida Avenue in Tampa, Florida.

Notice of institution of the investigation and of the hearing was published in the FEDERAL REGISTER on September 16, 1976 (41 F.R. 39845).

By order of the Commission,

KENNETH R. MASON,
Secretary.

OCTOBER 14, 1976.

[FR Doc.76-30620 Filed 10-18-76;8:45 am]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 76-91]

NASA RESEARCH AND TECHNOLOGY ADVISORY COUNCIL PANEL ON SPACE VEHICLES

November 9-10, 1976

The NASA Research and Technology Advisory Council, Panel on Space Vehicles will meet in two sessions on November 9 and 10, 1976. The first session, November 9, 1976, will be held at the Dryden Flight Research Center, Edwards, California, 93523, in Conference Room No. 1 of the Main Building (No. 4800). The second session, November 10, 1976, will be held at the Jet Propulsion Laboratory, 4800 Oak Grove Drive, Pasadena, California, 91103, in Building No. 169, Room 339. Members of the public will be admitted on a first-come, first-served basis up to the seating capacity of each conference room (at Dryden Flight Research Center—25 persons, at the Jet Propulsion Laboratory—30 persons). All visitors to the Dryden Flight Research Center must first report to the security desk in the Main Building Lobby; all visitors to the Jet Propulsion Laboratory must first report to the Main Gate Visitor Registration Area.

The NASA Research and Technology Advisory Council, Panel on Space Vehicles serves in an advisory capacity only. The current Chairman is Mr. R. James Gunkel. There are fifteen members. The following list sets forth the approved agenda and schedule for the November 9-10, 1976 meeting of the Panel on Space Vehicles. For further information, please contact Mr. William C. Hayes, Jr., Executive Secretary, Area Code 202, 755-2243.

NOVEMBER 9, 1976

(DRYDEN FLIGHT RESEARCH CENTER)

Time	*Topic*
12:30 p.m.	Report of the Chairman (Purpose: To summarize action taken at the July 1976 meeting of the Research and Technology Advisory Council.)
1:15 p.m.	Report of the Executive Secretary (Purpose: To brief the Panel on recent or proposed changes, if any, in NASA policy or organization that could affect the Space Vehicles Panel.)
1.30 p.m.	Report on Full-Scale Flight Research Programs (Purpose: To brief the Panel on full-scale flight research activities at the Dryden Flight Research Center.)
3 p.m.	Report on Space Shuttle Developmental Flight Instrumentation (DFI) (Purpose: To brief the Panel on the capabilities of the instrumentation to be carried aboard the Shuttle during the six orbital flight test missions.)

NOVEMBER 10, 1976

(JET PROPULSION LABORATORY)

Time	*Topic*
8:30 a.m.	Report on Automated Spacecraft (Purpose: To brief the Panel on the objectives and status of present and proposed planetary missions utilizing automated spacecraft.)
10:30 a.m.	Report on NASA Theme Activity (Purpose: To brief the Panel on the progress of the Theme Activity and solicit the Panel members' recommendations.)
1:30 p.m.	Selection of Topics to be Reported to the Research and Technology Advisory Council (Purpose: To discuss and formulate topics to be forwarded to the Research and Technology Advisory Council.)

Time	Topic
4 p.m.	Selection of Agenda Topics (Purpose: To determine potential topics for inclusion in the agenda for the subsequent Panel meeting.)
4:30 p.m.	Adjournment.

JOHN M. COULTER,
Acting Assistant Administrator for DOD and Interagency Affairs, National Aeronautics and Space Administration.

OCTOBER 12, 1976.

[FR Doc.76-30641 Filed 10-18-76;8:45 am]

NATIONAL SCIENCE FOUNDATION

ADVISORY PANEL FOR LAW AND SOCIAL SCIENCES

Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Advisory Panel for Law and Social Sciences.

Date and time: November 4 and 5, 1976—9:00 a.m. to 5:00 p.m.

Place: Room 643, National Science Foundation, 1800 G Street, N.W., Washington, D.C.

Type of meeting: Part open. Open Portion: November 4, 1976—9:00 a.m. to 2:00 p.m. Closed Portion: November 4, 1976 2:00 p.m. to 5:00 p.m. November 5, 1976 9:00 a.m. to 5:00 p.m.

Contact person: Dr. H. Laurence Ross, Program Director, Law and Social Sciences Program, Room 316—National Science Foundation, Washington, D.C. 20550—Telephone (202) 632-5816.

Summary minutes (Open portion): May be obtained from the Committee Management Coordination Staff, Division of Personnel and Management, Room 212, National Science Foundation, Washington, D.C. 20550.

Purpose of panel: To provide advice and recommendations concerning support for research in Law and Social Sciences.

Agenda: November 4, 1976 9:00 a.m. to 2:00 p.m. (Open): Scope and priorities for the Program. Discussion of current procedures and alternatives. November 4, 1976, 2:00 p.m. to 5:00 p.m. (Closed), and November 5, 1976, 9:00 a.m. to 5:00 p.m. (Closed): 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 Pub. L. 92-463. The Committee Management Officer was delegated the authority to make determinations by the Director, NSF, on February 11, 1976.

M. REBECCA WINKLER,
Acting Committee Management Officer.

OCTOBER 14, 1976.

[FR Doc.76-30541 Filed 10-18-76;8:45 am]

PROJECT DIRECTORS OF MINORITY INSTITUTIONS SCIENCE IMPROVEMENT PROGRAM (MISIP)

Meeting

A project directors' meeting will be held from 8:30 a.m. to 5:00 p.m. on Thursday, November 11, 1976, and from 9:00 a.m. to 3:30 p.m. on Friday, November 12, 1976, at the Sheraton Park Hotel, 2660 Woodley Road, N.W., Washington, D.C.

The purpose of this meeting is to give project directors of the Minority Institutions Science Improvement Program (MISIP) an opportunity to become better informed regarding appropriate methods for conducting internal project evaluation and to allow the MISIP staff to set into motion mechanisms for monitoring of projects.

While this project directors' meeting is not considered to be a meeting of an "advisory committee" as that term is defined in Section 3 of the Federal Advisory Committee Act (P.L. 91-463), the meeting is believed to be of sufficient importance and interest to the general public to be announced in the FEDERAL REGISTER as a meeting open for public attendance and participation.

The meeting will be chaired by Dr. Shirley M. McBay, coordinator of the MISIP Program. Members of the public who wish to attend this meeting should call (202) 282-7760.

M. REBECCA WINKLER,
Acting Committee Management Officer.

[FR Doc.76-30540 Filed 10-18-76;8:45 am]

SMALL BUSINESS ADMINISTRATION

[License No. 06/06-0171]

FIRST OKLAHOMA VENTURE CORP.

Application for Transfer of Control of Licensed Small Business Investment Company

Notice is hereby given that an application has been filed with the Small Business Administration (SBA), pursuant to Section 107.701 of the regulations governing small business investment companies (13 CFR Section 107.701 (1976)), for transfer of control of First Oklahoma Venture Corporation (First Oklahoma), formerly located at 120 North Robinson Avenue, Oklahoma City, Oklahoma 73102, a Federal licensee under the Small Business Investment Act of 1958, as amended (the Act), (15 U.S.C. 661 et seq.), and the Rules and Regulations promulgated thereunder.

First Oklahoma was licensed on April 16, 1974, and had an initial paid-in capital and paid-in surplus of $1,505,250. At the present time First Oklahoma has 1,505,250 shares of class A and class B common stock issued and outstanding. It is proposed the First Bancshares, Incorporated (Bancshares), 121 S.W. 4th Street, Bartlesville, Oklahoma 74003, acquire 100 percent ownership of First Oklahoma. Bancshares is a one-bank holding company formed December 31, 1973, as a Delaware corporation functioning as a holding company for the First National Bank in Bartlesville, Oklahoma. Section 302(b) of the Act limits the aggregate amount of an investment by a bank in a small business investment company (SBIC) to 5 percent of its capital and surplus. To accommodate this this limitation, First Oklahoma will repurchase and retire 461,059 shares of its issued and outstanding common stock. Bancshares is the present owner of 150,000 shares of common stock and it will purchase the remaining 894,191 shares. Upon the completion of these transactions, Bancshares will own all of the 1,044,191 shares of issued and outstanding common stock and First Oklahoma will have a paid-in capital and paid-in surplus of $1,044,191.

The proposed transfer of control is subject to the approval of SBA. If such approval is given, the officers and directors of First Oklahoma will be:

Donald D. Doty, Chairman of the Board, 1447 Valley Road, Bartlesville, Oklahoma 74003.
Jon R. K. Tinkle, President, Director, General Manager, 1805 Robin Road, Edmond, Oklahoma 74034.
Dennis O. Gubbage, Jr., Secretary, Treasurer, 1328 Ridgewood Drive, Bartlesville, Oklahoma 74003.
Walter V. Allison, Director, 4963 Fordham Drive, Bartlesville, Oklahoma 74003.
Kenneth G. Adams, Director, Route 1, Box 266, Bartlesville, Oklahoma 74003.
Charles R. Musgrave, Jr., Director, 1517 Smysor Drive, Bartlesville, Oklahoma 74003.
Richard Kane, Director, 1200 Kane Hill, Bartlesville, Oklahoma 74003.

There will be no significant changes to the operations of First Oklahoma nor its charter or bylaws. However, the principal office has been moved to Suite 402, Professional Building, Bartlesville, Oklahoma 74003.

Matters involved in SBA's consideration of the application include the general business reputation and character of management and shareholders, and the probability of successful operations of First Oklahoma under their management, in accordance with the Act and Regulations.

Notice is further given that any person may, not later than November 3, 1976, submit to SBA in writing, comments on the proposed transfer of control of this company. Any such comments should be addressed to: Associate Administrator for Finance and Investment, Small Business Administration, 1441 "L" Street, NW., Washington, D.C. 20416.

A copy of this notice will be published by First Oklahoma in a newspaper of general circulation in Oklahoma City and Bartlesville, Oklahoma.

(Catalog of Federal Domestic Assistance Program No. 59.0011, Small Business Investment Companies)

Dated: October 8, 1976.

PETER F. MCNEISH,
Deputy Associate Administrator for Investment.

[FR Doc.76-30589 Filed 10-18-76;8:45 am]

DEPARTMENT OF LABOR

Employment and Training Administration

JOB CORPS CENTER, GLENMONT, N.Y.

Decision Not To Issue Environmental Impact Statement; Correction

In FR Doc. 76-29586, published at 41 FR 44080, the third paragraph last sentence is corrected to read:

The campus is located on a 244-acre wooded tract, next to a commercial area, with approximately 81 families living within one-half mile of the edge of the property.

Signed at Washington, D.C., this 8th day of October 1976.

JOHN H. STETSON,
Director, Job Corps.

[FR Doc.76-30405 Filed 10-18-76;8:45 am]

MIGRANT AND OTHER SEASONALLY EMPLOYED FARMWORKER PROGRAMS

Funding Requests Received by Department of Labor

Notice is hereby given that the following applicants have submitted funding requests pursuant to 29 CFR 97.214 to the Department of Labor to request funds under the Migrant and Other Seasonally Employed Farmworkers Programs. An eligible applicant which has submitted a pre-application by August 2, 1976, pursuant to 29 CFR 97.211(b) and a funding request by September 1, 1976, pursuant to 29 CFR 97.214 and is not listed below should notify the Department of Labor at the following address:

U.S. Department of Labor, Employment and Training Administration, Patrick Henry Building, Room 7122, 601 D Street, NW., Washington, D.C. 20213. Attn: Chief, Division of Farmworker Programs.

APPLICATIONS FOR CETA FY'77 SECTION 303 FUNDS

REGION I

Connecticut.—New England Farmworkers Council, Inc., 3502 Main St., Springfield, Massachusetts 01107.

Maine.—Opportunities Industrialization Center of Maine, Inc., 167 High St., Belfast, Maine 04915; Cumberland County (CETA), Box 257 Cape Cottage Branch, Cape Elizabeth, Maine 04107; Penobscot Consortium, Penobscot Co. Manpower Admin., 166 Union Street, Bangor, Maine 04401.

Massachusetts.—New England Farmworkers Council, Inc., 3502 Main St., Springfield, Massachusetts 01107.

Rhodes Island.—New England Farmworkers Council, Inc., 3502 Main St., Springfield, Massachusetts 01107.

REGION II

New Jersey.—Farmworkers Corporation of New Jersey, 36 West Landis Ave., Vineland, New Jersey 08360; The Archway School, Program Development, Jackson Road, Atco, New Jersey 08004.

New York.—Program Funding, Inc., Suite 730, Powers Building, Rochester, New York 14614; Suffolk County, Veterans Memorial Highway, Hauppauge, New York 11787; New York State Dept. of Labor, Manpower Planning Secretariat, State Campus, Bldg. 12, Room 563, Albany, New York 12240.

Puerto Rico.—Commonwealth of Puerto Rico, Department of Labor, 414 Barbosa Avenue, Hato Rey, Puerto Rico 00917.

REGION III

Delaware.—Delmarva Ecumenical Agency, Rural Ministries Coalition, Blue Hen Mall, Dover, Delaware 19901.

Maryland.—Migrant and Seasonal Farmworkers, Association, Inc., 3929 Western Blvd., POB 33315, Raleigh, North Carolina 27606.

Pennsylvania.—Pennsylvania Council for Farmworkers, Inc., Full Agency, 1600 Leigh Parkway, East, Allentown, Pennsylvania 18103; Program Funding, Inc., Suite 730, Powers Building, Rochester, New York 14614.

Virginia.—Virginia Employment Commission, 703 East Main Street, Richmond, Virginia 23211; Migrant & Seasonal Farmworkers Association, Inc., 3929 Western Blvd., POB 33315, Raleigh, North Carolina 27606.

West Virginia.—State of West Virginia, Governor's Manpower Office, 5790-A MacCorkle Avenue, S.E., Charlston, West Virginia 25304.

REGION IV

Alabama.—Alabama Migrant and Seasonal Farmworkers Council, Inc., 404 East South Boulevard, Montgomery, Alabama 36105.

Florida.—Florida Dept. of Education, Vocational Division, Vocational Education, Capitol Building, Tallahassee, Florida 32304; Community Action Migrant Program, 1975 East Sunrise Blvd., Suite 850, Fort Lauderdale, Florida 33304.

Georgia.—Office of the Governor, Georgia Department of Labor, 501 Pulliam Street, S.W., Atlanta, Georgia 30012.

Kentucky.—Commonwealth of Kentucky, Dept. of Human Resources, Capitol Annex Building, Frankfort, Kentucky 40601.

Mississippi.—Mississippi Delta Council for Farm Workers Opportunities, Inc., 1933 Fourth St., Clarksdale, Mississippi 38614.

South Carolina.—South Carolina Resources Development Corporation, 3015 South Church St., Spartansburg, South Carolina 29301; Governor's Office, State of South Carolina, Columbia, South Carolina 29201; South Carolina Commission for Farm Workers, Inc., 218 Rutledge Avenue, POB 861, Charleston, South Carolina 29402.

Tennessee.—Tennessee Opportunity Programs for Seasonal Farmworkers, Inc., 2803 Foster Ave., Nashville, Tennessee 37211; State of Tennessee, Employment & Training Division, C1-114 Cordell Hull Bldg., Nashville, Tennessee 37219.

REGION V

Indiana.—Illinois Migrant Council, 202 South State Street, Chicago, Illinois 60604; City of South Bend, Bureau of Employment & Training, 227 W. Jefferson Blvd., 12th Floor, South Bend, Indiana 46601; Indiana Office of Manpower Development, Planning Division, 150 West Market Street, 7th Floor, Indianapolis, Indiana 46204; AMOS, Inc., 3655 North Pennsylvania Street, Indianapolis, Indiana 46205.

Michigan.—United Migrants for Opportunities, Inc., 111 South Lansing, Mt. Pleasant, Michigan 48858.

Minnesota.—Minnesota Migrant Council, POB 1231, St. Cloud, Minnesota 56301.

Ohio.—La Raza Unida de Ohio, 1007 Revere Drive, Bowling Green, Ohio 43402; Ohio Balance of State, Office of Manpower Development, 30 East Broad Street, 27th Floor, Columbus, Ohio 43215.

Wisconsin.—United Migrant Opportunity Services, POB 04697, 809 Greenfield Ave., Milwaukee, Wisconsin 53204.

REGION VI

Arkansas.—Arkansas Council of Farmworkers, POB 4241—Asher Station, 1200 West Park Drive, Little Rock, Arkansas 72214; ORO Development Corporation, 1100 North Classen Drive, POB 60126, Oklahoma City, Oklahoma 73106.

Louisiana.—Southern Mutual Help Association, Inc., POB 365, Abbeville, Louisiana 70510; Manpower Education and Training of Louisiana, 304 Broadway, POB 781, Jennings, Louisiana 70546.

New Mexico.—Home Education Livelihood, 933 San Pedro, SE, Albuquerque, New Mexico 87108; Western Conference of Teamsters, Agricultural Workers Division, 1625 West Olympic Blvd., Suite 816, Los Angeles, California 90015.

Oklahoma.—ORO Development Corporation, 1100 North Classen Blvd., POB 60126, Oklahoma City, Oklahoma 73106.

Texas.—Community Action Council for South Texas, PO Drawer S-504, East Second, Rio Grande City, Texas 78582; Governor's Office—State of Texas, POB 12418, Capitol Station, Austin, Texas 78711; Economic Opportunities Development Corporation, 410 South Main, POB 9326, San Antonio, Texas 78204; Manpower Education and Training, Inc., 105 East Houston St., Cleveland, Texas 77327; ORO Development Corporation, 1100 North Classen Drive, POB 60126, Oklahoma City, Oklahoma 73106; Western Conference of Teamsters, Agricultural Workers Division, 1625 West Olympic Blvd., Suite 816, Los Angeles, California 90015.

REGION VII

Iowa.—Migrant Action Program, Inc., 220 E. State Street, POB 778, Mason City, Iowa 50401.

Kansas.—State of Kansas, Department of Human Resources, Division of Employment, POB 1556, Suite 900, Topeka, Kansas 66603; ORO Development Corporation, 1100 North Classen Drive, POB 60126, Oklahoma City, Oklahoma 73106.

Missouri.—Rural Missouri, Inc., 418 Madison St., POB 204, Jefferson City, Missouri 65101.

REGION VIII

Colorado.—Colorado Council on Migrant and Seasonal Agricultural Workers and Families, 665 Grant St., Denver, Colorado 80203; Western Conference of Teamsters, Agricultural Workers Division, 1625 West Olympic Blvd., Suite 816, Los Angeles, California 90015.

Montana.—Office of the Governor, Employment and Training Council, POB 169, Capitol Building, Helena, Montana 59601.

North Dakota.—Governor Arthur A. Link, CETA Administration, Governor's Office, Bismarck, North Dakota 58505; North Dakota Migrant Council, 1911 South Washington, Grand Forks, North Dakota 58201.

South Dakota.—South Dakota Department of Labor, Office of the Secretary, Foss Building, Pierre, South Dakota 57501.

Utah.—Adela Development Corporation, 623 South Second East, Salt Lake City, Utah 84111; Utah Migrant Council, CETA Program, 1380 West North Temple, Salt Lake City, Utah 86116.

Wyoming.—OFC Manpower Planning, State of Wyoming, State Capitol Building, Cheyenne, Wyoming 82002.

REGION IX

Arizona.—MOPportunities, Inc., The Migrant Opportunity Program, 6611 South Central Avenue, Phoenix, Arizona 85040; Tucson—Center for Employment and Training, 21 West 33rd Street, Tucson, Arizona 85040.

California.—Orange County Manpower Commission, 433 Civic Center Drive, West Santa Ana, California 92701; Campesinos Unidos, Inc., 620 N. 10th Street—POB 203, Brawley, California 92227; OIC—San Diego, 1318 North Santa Fe Avenue, Vista, California 92083; Philipino Bayanihan, Inc., 420 South San Joaquin Street, Stockton, California

95205; Sacramento Concilio, Inc., 1912 F Street, POB 896, Sacramento, California 95814; County of Los Angeles, Dept. of Community Development, 320 W. Temple Street, Room 780, Los Angeles, California 90012; Western Conference of Teamsters, Agricultural Workers Division, 1625 West Olympic Blvd., Suite 816, Los Angeles, California 90015.

Hawaii.—State of Hawaii, Office of the Governor, Dept. of Labor & Ind. Relations (OMP), 825 Mililani St., Honolulu, Hawaii 96813.

REGION X

Oregon.—Southern Oregon Liaison, 3155 East Main Street, Ashland, Oregon 97520; Oregon Rural Opportunities, 5103 Portland Road, NE., Salem, Oregon 97303; Migrant and Indian Coalition for Community Coordinated Child Care, Route 6, POB 423, Hood River, Oregon 97031; Centro Cultural, 110 North Adair Street, Cornelius, Oregon 97113.

Signed in Washington, D.C., this 10th day of October, 1976.

ROBERT J. MCCONNON,
Director,
Office of National Programs.

[FR Doc.76-30666 Filed 10-18-76;8:45 am]

MIGRANT AND OTHER SEASONALLY EMPLOYED FARMWORKER PROGRAMS

Funding Requests; Resolicitation

1. In the following States, no designation of potential sponsors under the provisions of the Comprehensive Employment and Training Act (CETA) of 1973, as amended, title III, section 303 has been made because no Funding Request was received:

NEBRASKA, NEVADA, NEW HAMPSHIRE, AND VERMONT

(a) The Secretary intends to initiate after November 15, 1976, negotiations for a Fiscal Year 1977 section 303 program in the State (i) with the current section 303 program sponsor, if any, provided that the sponsor's present performance is adequate and, if these negotiations fail, (ii) with the CETA title I prime sponsor whose jurisdiction contains the largest number of migrant and seasonal farmworkers.

(b) The Secretary invites organizations eligible under § 97.205 which are interested in receiving a grant for section 303 programs in the listed States to submit Funding Request to:

U.S. Department of Labor, Employment and Training Administration, 601 D Street, N.W., Room 7122, Washington, D.C. 20213, Attention: Chief, Division of Farmworker Programs.

on or before November 15, 1976. Such organizations must also submit to the same address a notice of intent to submit a Funding Request for the State; the notice of intent must be received before close of business November 1, 1976, or the Funding Request will not be considered. A preapplication for federal assistance form is not required but may be used for the notice of intent.

(c) In those States for which a timely notice of intent has been received, the Secretary will not begin negotiations for a section 303 program until a Funding Request has been received and the priority set forth in paragraph 1(a) above, has been re-examined in light of the new Funding Request.

(d) Funding Requests shall be prepared in accordance with the requirements of 29 CFR 97.213 and 97.214.

2. Area Re-opened for Competition. In FR Doc. 76-19199 appearing at 41 FR 27452 in the FEDERAL REGISTER of Friday, July 2, 1976 (Fiscal Year 1977 State Planning Estimates, Programs and Areas to be Renewed Without Recompetition, and Areas Open for Competition), the Secretary announced his intention to exercise the option contained in 29 CFR 97.219, to negotiate FY 77 grants without recompetition for existing sponsors in designated areas. Subsequent to those designations and based on more current information available to him, the Secretary has determined to re-open for competition the following area:

State; area:	*Fiscal Year 1976 Area Funding Level*
California, Counties of Riverside and San Bernardino	$421,891

The Secretary invites organizations eligible under 29 CFR 97.205 which are interested in receiving a grant for a section 303 program in the above area to submit a Funding Request to the address given in 29 CFR 97.214(a) in accordance with the procedures set forth in (1) (a), (b), (c), and (d) above.

Signed at Washington, D.C., this 12th day of October 1976.

PIERCE A. QUINLAN,
Administrator, Office of Comprehensive Employment Development.

[FR Doc.76-30665 Filed 10-18-76;8:45 am]

Occupational Safety and Health Administration

MARYLAND STATE STANDARDS

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 Administrator for Occupational Safety and Health (hereinafter called the Regional Administrator) 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 O to 29 CFR Part 1952 containing the decision.

The Maryland plan provides for the adoption of Federal standards as State standards after comment and public hearing. Section 1952.210 of Subpart O sets forth the State's schedule for the adoption of Federal standards. By letter dated July 26, 1976 from Harvey A. Epstein, Commissioner, Maryland Division of Labor and Industry to David H. Rhone, Regional Administrator, and incorporated as part of the plan, the State submitted amendments to the standards comparable to the additions, revisions, amendments, and corrections to 29 CFR 1910.1001, 1910.184, and 1928.57 which additions, revisions, amendments and corrections were published in the Federal Registers of March 19, 1976 (41 FR 11504-05, March 30, 1976 (41 FR 13352-53), March 9, 1976 (41 FR 10190-97), and March 16, 1976 (41 FR 11022). These standards were promulgated after public comment requested on May 12, 1976, hearings held on June 16, 1976 and a resolution adopted by the Commissioner on July 21, 1976, 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 as cited above.

3. *Location of supplement for inspection and copying.* A copy of the standards supplement, along with the approved plan, may be inspected and copied 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 & Industry, 203 E. 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 Regional Administrator's approval effective upon publication for the following reasons:

1. 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 participation would not be necessary.

This decision is effective October 19, 1976.

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

Signed at Philadelphia, Pennsylvania this 28th day of September 1976.

DAVID H. RHONE,
Regional Administrator.

[FR Doc.76-30647 Filed 10-18-76;8:45 am]

VERMONT

Approval of State Poster

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations, prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) (hereinafter called the Act) for review of changes and progress in the development and implementation of State plans which have been approved under section 18(c) of the Act and Part 1902 of this chapter. On October 16, 1973, a notice was published in the FEDERAL REGISTER (38 FR 28658) of the approval of the Vermont plan and of the adoption of Subpart U of Part 1952 describing the plan. On March 31, 1976, the State of Vermont submitted a supplement to the plan involving a developmental change (see Subpart B of 29 CFR Part 1953).

2. *Description of the supplement.* The supplement concerns a prototype of the Vermont State poster, which is to be posted at all covered workplaces in the State. This prototype demonstrates the proper dimensions for the poster, the correct point size for the print in the heading and in the body of the poster, and the required provisions under 29 CFR 1952.10. Among other things, the poster contains provisions for notifying employees of their obligations and protections under the Vermont Act, including their right to request workplace inspections and their right to remain anonymous as a result, their right to participate in inspections, their protection against discharge or discrimination under both Federal and State laws for the exercise of their rights under the Federal and State laws, and their right to file complaints with the Occupational Safety and Health Administration concerning the administration of the State program.

3. *Location of the plan and its supplement for inspection and copying.* A copy of the poster, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Associate Assistant Secretary for Regional Programs, Occupational Safety and Health Administration, Room N3608, 200 Constitution Avenue, N.W., Washington, D.C. 20210; Technical Data Center (OSHA), Room N3620, 200 Constitution Avenue, N.W., Washington, D.C. 20210; Office of the Regional Administrator, Occupational Safety and Health Administration, Room 1804, John F. Kennedy Building, Boston, Massachusetts 02203; Department of Labor and Industry, State Office Building, Montpelier, Vermont 05602.

4. *Public participation.* Under § 1953.2 of this chapter, the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter referred to as the Assistant Secretary) may prescribe alternative procedures to expedite the review process or for any other good cause which may be consistent with applicable law. The Assistant Secretary finds that the prototype of the Vermont poster incorporates all of the provisions required under 29 CFR 1952.10(a)(5) and 1903.2(a)(3) (39 FR 39306, November 5, 1974). Accordingly, it is believed that further public comment is unnecessary.

5. *Decision.* After careful consideration, the Vermont plan supplement outlined above is approved under Part 1953, on condition that the actual poster is printed exactly as shown on the prototype, which printing, with appropriate distribution, should occur within one year of the date of the publication of this notice, at which time substitution for the Federal poster, in accordance with 29 CFR 1952.(a)(2), may be made. This decision incorporates the requirements of the Act and implementing regulations applicable to State plans generally.

(Secs. 8(g)(2), 18 Pub. L. 91-596, 84 Stat. 1600, 1608 (29 U.S.C. 657(g)(2); 667).)

Signed at Washington, D.C., this 13th day of October, 1976.

MORTON CORN,
Assistant Secretary of Labor.

[FR Doc.76-30648 Filed 10-18-76;8:45 am]

Office of Federal Contract Compliance Programs

FEDERAL ADVISORY COMMITTEE FOR HIGHER EDUCATION EQUAL EMPLOYMENT OPPORTUNITY PROGRAMS

Meeting

On January 28, 1976, the Secretary of Labor announced in the FEDERAL REGISTER (41 CFR 4081) the establishment of the Federal Advisory Committee for Higher Education Equal Employment Opportunity Programs. The first of six meetings of this advisory committee was held on February 27, 1976 (41 CFR 5880).

Pursuant to the Federal Advisory Committee Act (5 U.S.C. App. I, Supp. II, 1972), notice is hereby given that at the close of the sixth meeting, September 22, 1976, the Chairman of the Advisory Committee formed sub-committees to study and review the Office of Federal Contract Compliance Program's drafted rules and regulations, and that the Sub-Committee for Goals and Timetables will meet in New York City on November 3, 1976.

The agenda for the November 3, meeting calls for general discussion of Goals and Timetables for Affirmative Action Compliance Programs in Higher Education.

The meeting will be open to the public. For specific details pertaining to the November 3, meeting contact David Speck, Executive Secretary, Office of Federal Contract Compliance Programs, New U.S. Department of Labor Building, Room C-3325, Washington, D.C. 20210, or telephone (202) 523-9475.

Signed at Washington, D.C. this 13th day of October, 1976.

DR. DAVID G. SPECK,
Executive Secretary.

[FR Doc.76-30646 Filed 10-18-76;8:45 am]

FEDERAL ADVISORY COMMITTEE FOR HIGHER EDUCATION EQUAL EMPLOYMENT OPPORTUNITY PROGRAMS

Meeting

On January 28, 1976, the Secretary of Labor announced in the FEDERAL REGISTER (41 CFR 4081) the establishment of the Federal Advisory Committee for Higher Education Equal Employment Opportunity Programs. The first meeting of this advisory Committee was held on February 27, 1976 (41 CFR 5880).

Pursuant to the Federal Advisory Committee Act (5 U.S.C. App. I, Supp. II, 1972), notice is hereby given that the seventh meeting of the above committee has been scheduled for 10:00 A.M. on November 12, 1976, in Room S-5215 (A-B-C) New U.S. Department of Labor Building, 200 Constitution Avenue, NW., Washington, D.C. 20210.

The Agenda for the November 12, meeting calls for the second general discussion of the Office of Federal Contract Compliance Programs' new drafted rules and regulations and their application to Affirmative Action Programs in Colleges and Universities.

The meeting will be open to the public. Interested persons wishing to file documents or other material with the Committee for its consideration may do so by sending them to the Committee's Executive Secretary:

Dr. David G. Speck, Executive Secretary, Office of Federal Contract Compliance Programs, Federal Advisory Committee for Higher Education Equal Employment Opportunity Programs, New U.S. Department of Labor Building, Room C-3325, Washington, D.C. 20210.

Signed at Washington, D.C. this 13th day of October, 1976.

DR. DAVID G. SPECK,
Executive Secretary.

[FR Doc.76-30645 Filed 10-18-76;8:45 am]

Office of the Secretary

[TA-W-1,123]

BAHIA CLIPPER

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On September 28, 1976 the Department of Labor received a petition dated September 9, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") on behalf of the workers and former workers of Bahia Clipper, Bahia Del Golfo, Port Isabel, Texas (TA-W-1,123). 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 di-

rectly competitive with the shrimp caught by Bahia Clipper 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 October 29, 1976.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than October 29, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210.

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

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76-30649 Filed 10-18-76;8:45 am]

[TA-W-921]

C-E CAST EQUIPMENT CO.

Negative Determination Regarding Eligibility To Apply for Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-921: investigation regarding eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on June 7, 1976 in response to a worker petition received on June 7, 1976 which was filed by workers and former workers producing automatic molding lines for foundry equipment at the Martin's Ferry, Ohio plant of the C-E Cast Equipment Company, a division of W. S. Tyler, Inc., which is a subsidiary of Combustion Engineering, Inc., Stanford, Connecticut.

The notice of investigation was published in the FEDERAL REGISTER on June 18, 1976 (41 FR 24793). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from the C-E Cast Equipment Company, 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 although the first, second, and third criteria have been met, the fourth criterion has not been met for C-E Cast Equipment Company.

SIGNIFICANT PARTIAL OR TOTAL SEPARATIONS

The average number of production workers at the Martin's Ferry plant increased 1.8 percent in the last six months of 1974 compared to the last six months of 1973. The average number of production workers increased 5.2 percent from 1974 to 1975 and then declined 50.3 percent in the first quarter of 1976 compared to the first quarter of 1975. By March 1976, when the plant closed, all employment at Martin's Ferry was terminated, with the exception of three workers. As of June 1976 these three workers were still employed by C-E Cast.

Average weekly hours worked at the Martin's Ferry plant declined 1.9 percent in the last six months of 1974 compared with the last six months of 1973. Average weekly hours worked declined 7.0 percent from 1974 to 1975. Data for average hours worked was not available for 1976.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

The value of foundry equipment sales by the Martin's Ferry plant declined 4.9 percent from 1973 to 1974 and then increased 24.8 percent from 1974 to 1975. In the first four months of 1976, the value of foundry equipment sales declined 64.5 percent compared to the first four months of 1975.

Production at the Martin's Ferry plant was identical to sales.

INCREASED IMPORTS

Imports of foundry machinery and equipment increased absolutely and relatively from 1971 to 1972 and then declined absolutely and relatively from 1972 to 1973. Imports increased absolutely and relatively from 1973 to 1974. Imports increased absolutely from 1974 to 1975 then declined absolutely in the first quarter of 1976 compared to the first quarter of 1975. The ratio of imports to domestic production declined from 6.4 percent in 1974 to 5.8 percent in 1975 and declined from 7.0 percent in the first quarter of 1975 to 5.2 percent in the first quarter of 1976.

CONTRIBUTED IMPORTANTLY

The Department's investigation revealed that customers of C-E Cast do not purchase imported foundry equipment. Shipping costs associated with heavy foundry equipment are high. Some of the customers increased purchases from C-E Cast during the period under investigation. Fluctuations in purchases of foundry equipment from C-E Cast are related to customers' needs for replacement machinery and decisions to retool foundries.

Declines in the automotive industry, combined with auto manufacturers' decisions to make less frequent model changes and to increase emphasis on interchangeable parts resulted in reduced orders for foundry equipment. Therefore, C-E Cast shifted emphasis to the export market. From 1973 through 1975, between 60 and 70 percent of production at the Martin's Ferry plant was for a contract with an overseas firm. As this contract neared completion in late 1975, C-E Cast attempted to replace it with another foreign contract but was unable to secure the bid.

Consequently, C-E Cast did not have enough orders to keep all three of its plants in operation. In a move towards consolidation, the company decided to close the Martin's Ferry plant. This plant was chosen because its location had required costly shipment of components between Martin's Ferry and the two C-E Cast plants in the Cleveland area.

CONCLUSION

After careful review of the facts obtained in the course of the investigation, I conclude that increases of imports like or directly competitive with foundry equipment produced at the Martin's Ferry, Ohio plant of the C-E Cast Equipment Company did not contribute importantly to the total or partial separations of the workers at such plant.

Signed at Washington, D.C., this 2d day of October 1976.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.76-30406 Filed 10-18-76;8:45 am]

[TA-W-1,117]

CAYENNE JAN BOARD

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On September 28, 1976 the Department of Labor received a petition dated September 9, 1976 which was filed under Section 221(a) of the Trade Act of 1974

("the Act") on behalf of the workers and former workers of Cayenne Jan Board, Anfel Isbell, Port Isabel, Texas (TA-W-1,117). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with the shrimp caught by Cayenne Jan Board 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 usbstantial 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 October 29, 1976.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than October 29, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210.

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

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76-30650 Filed 10-18-76;8:45 am]

[TA-W-1,115]

CAYENNE WITCH

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On September 28, 1976 the Department of Labor received a petition dated September 9, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") on behalf of the workers and former workers of Cayenne Witch, Anfel Isbell, Port Isabel, Texas (TA-W-1,115). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with the shrimp caught by Cayenne Witch 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 show below, not later than October 29, 1976.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than October 29, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210.

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

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76-30651 Filed 10-18-76;8:45 am]

[TA-W-1,116]

CAYENNE YOUNGS

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On September 28, 1976 the Department of Labor received a petition dated September 9, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") on behalf of the workers and former workers of Cayenne Youngs, Anfel Isbell, Port Isabel, Texas (TA-W-1,116). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with the shrimp caught by Cayenne Youngs 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 October 29, 1976.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than October 29, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210.

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

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76-30652 Filed 10-18-76;8:45 am]

[TA-W-1,129]

CHAMPION CLIPPER

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On September 28, 1976 the Department of Labor received a petition dated September 9, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") on behalf of the workers and former workers of Champion Clipper, Isbell Trawlers, Port Isabel, Texas (TA-W-1,129). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with the shrimp

caught by Champion Clipper 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 October 29, 1976.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than October 29, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210.

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

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76-30653 Filed 10-18-76;8:45 am]

[TA-W-1,124]

DIAMOND CLIPPER

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On September 28, 1976, the Department of Labor received a petition dated September 9, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") on behalf of the workers and former workers of Diamond Clipper, Isbell Seafood, Inc., Port Isabel, Texas (TA-W-1,124). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with the shrimp caught by Diamond Clipper 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 show below, not later than October 29, 1976.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than October 29, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

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

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76-30654 Filed 10-18-76;8:45 am]

[TA-W-1,128]

GALLANT CLIPPER

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On September 28, 1976 the Department of Labor received a petition dated September 9, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") on behalf of the workers and former workers of Gallant Clipper, Isbell Trawlers, Port Isabel, Texas (TA-W-1,128). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with the shrimp caught by Gallant Clipper 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 October 29, 1976.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than October 29, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

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

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76-30655 Filed 10-18-76;8:45 am]

[TA-W-1,121]

HAIBUI CLIPPER

Investigation Regarding Certification of Eligibility to Apply for Worker Adjustment Assistance

On September 28, 1976 the Department of Labor received a petition dated September 9, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") on behalf of the workers and former workers of Haibui Clipper, Isbell & Isbell, Port Isabel, Texas (TA-W-1,121). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with the shrimp caught by Haibui Clipper 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 related, 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 October 29, 1976.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than October 29, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

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

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76-30656 Filed 10-18-76;8:45 am]

[TA-W-1,125]

IMPERIAL CLIPPER

Investigation Regarding Certification of Eligibility to Apply for Worker Adjustment Assistance

On September 28, 1976 the Department of Labor received a petition dated September 9, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") on behalf of the workers and former workers of Imperial Clipper, Tres Compadres, Port Isabel, Texas (TA-W-1,125). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with the shrimp caught by Imperial Clipper 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 related, 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 show below, not later than October 29, 1976.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than October 29, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

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

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76-30657 Filed 10-18-76;8:45 am]

[TA-W-1,126]

ISLAND CLIPPER

Investigation Regarding Certification of Eligibility to Apply for Worker Adjustment Assistance

On September 28, 1976 the Department of Labor received a petition dated September 9, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") on behalf of the workers and former workers of Island Clipper, Isbell Brothers, Port Isabel, Texas (TA-W-1,126). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with the shrimp caught by Island Clipper 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 related, 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 show below, not later than October 29, 1976.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than October 29, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

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

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc. 76-30658 Filed 10-18-76;8:45 am]

[TA-W-1,120]

THE MARTIAL C

Investigation Regarding Certification of Eligibility to Apply for Worker Adjustment Assistance

On September 28, 1976 the Department of Labor received a petition dated September 9, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") on behalf of the workers and former workers of The Martial C, Isbell & Isbell, Port Isabel, Texas (TA-W-1,120). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221 (a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with the shrimp caught by The Martial C 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 related, 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 October 29, 1976.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment

Assistance, at the address shown below, not later than October 29, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

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

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76-30659 Filed 10-18-76;8:45 am]

[TA-W-1,118]

MISS MINERVA

Investigation Regarding Certification of Eligibility to Apply for Worker Adjustment Assistance

On September 28, 1976 the Department of Labor received a petition dated September 9, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") on behalf of the workers and former workers of Miss Minerva, Isbell & Isbell, Port Isabel, Texas (TA-W-1,118). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with the shrimp caught by Miss Minerva 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 related, 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 October 29, 1976.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than October 29, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

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

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76-30660 Filed 10-18-76;8:45 am]

[TA-W-1,122]

MYSTIC CLIPPER

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On September 28, 1976 the Department of Labor received a petition dated September 9, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") on behalf of the workers and former workers of Mystic Clipper, Bahia Del Golfo, Port Isabel, Texas (TA-W-1,122). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with the shrimp caught by Mystic Clipper 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 related, 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 show below, not later than October 29, 1976.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than October 29, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

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

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76-30661 Filed 10-18-76;8:45 am]

[TA-W-1,127]

ROYAL CLIPPER

Investigation Regarding Certification of Eligibility to Apply for Worker Adjustment Assistance

On September 28, 1976 the Department of Labor received a petition dated September 9, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") on behalf of the workers and former workers of Royal Clipper, Isbell Trawlers, Port Isabel, Texas (TA-W-127). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with the shrimp caught by Royal Clipper 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 related, 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 show below, not later than October 29, 1976.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than October 29, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200

Constitution Avenue, N.W., Washington, D.C. 20210.

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

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76-30662 Filed 10-18-76;8:45 am]

[TA-W-1,119]

THE THREE B'S

Investigation Regarding Certification of Eligibility to Apply for Worker Adjustment Assistance

On September 28, 1976 the Department of Labor received a petition dated September 9, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") on behalf of the workers and former workers of The Three B's, Isbell & Isbel, Port Isabel, Texas (TA-W-1,119). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with the shrimp caught by The Three B's 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 related, 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 October 29, 1976.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than October 29, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210.

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

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76-30663 Filed 10-18-76;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 171]

ASSIGNMENT OF HEARINGS

OCTOBER 14, 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.

Section 5b application No. 2, Western Railroads—Agreement now being assigned November 16, 1976, at the Offices of the Interstate Commerce Commission, Washington, D.C.

Section 5b application No. 3, Eastern Railroads—Agreement now being assigned November 30, 1976, at the Offices of the Interstate Commerce Commission, Washington, D.C.

Section 5b application No. 6, Southern Railroads—Agreement now being assigned November 22, 1976, at the Offices of the Interstate Commerce Commission Washington, D.C.

I & S 9139, Transit Charges, Lumber & Forest Products, Nationwide, and No. 36422, Transit Charges on Lumber & Forest Products, now being assigned November 9, 1976, at the Offices of the Interstate Commerce Commission, Washington, D.C.

No. 36432, Fresh Fruits and Vegetables, from the Southwest, and No. 36432 Sub 1, Fresh Fruits and Vegetables, Transcontinental Eastbound, now being assigned November 15, 1976, at the Offices of Interstate Commerce Commission, Washington, D.C.

MC 110563 (Sub-No. 16) 9, Coldway Food Express, Inc., now assigned November 1, 1976 at New York, N.Y., is canceled and the application is dismissed.

MC 110563 (Sub-No. 169), Coldway Food Express, Inc., now assigned November 5, 1976 at New York, N.Y., is canceled and the application is dismissed.

MC 35469 (Sub 45), Modern Transfer Co., Inc. now assigned October 18, 1976 at Harrisburg, Pennsylvania is canceled, application dismissed.

MC 114211 (Sub 265), Warren Transport, Inc., now assigned October 14, 1976, at Washington, D.C. is canceled and application dismissed.

MC 110563 (Sub-No. 172), Coldway Express, Inc., now assigned October 18, 1976, at New York, N.Y. is canceled and application dismissed.

AB 109, Quanah, Acme and Pacific Railway Company Abandonment Between Acme and Floydada, in Hardeman, Cottle, Motley and Floyd Counties, Texas now assigned November 8, 1976 at Paducah, Texas and will be held at the District Court Room, Cottle County Court House.

MC 43867 (Sub 28), A. Leander McAlister Trucking Co. now assigned November 2, 1976 at Dallas, Texas and will be held in Room 5A15-17, Federal Building, 1100 Commerce Street.

MC 105984 (Sub 16), John B. Barbour Trucking Co. now assigned November 3, 1976 at Dallas, Texas and will be held in Room 5A15-17, Federal Building, 1100 Commerce Street.

MC 119988 (Sub 91), Great Western Trucking Co., Inc. now assigned November 3, 1976 at Dallas, Texas and will be held in Room 5A15-17, Federal Building, 1100 Commerce Street.

MC 83835 (Sub 130), Wales Transportation, Inc. now assigned November 4, 1976 at Dallas, Texas and will be held in Room 5A15-17, Federal Building, 1100 Commerce Street.

MC 26869 (Sub-No. 127), Nolte Bros. Truck Line, Inc., now assigned October 27, 1976, at Chicago, Ill. is canceled and application dismissed.

MC-C 8960, C & H Transportation Co., Inc., and Butler Manufacturing Company—Investigation and Revocation of Certificate now assigned November 9, 1976 at Dallas, Texas and will be held in Room 5A15-17, Federal Building, 1100 Commerce Street.

MC 136786 (Sub 93), Robco Transportation, Inc. now being assigned November 12, 1976 at Dallas, Texas and will be held in Room 5A15-17, Federal Building, 1100 Commerce Street.

MC 110565 (Sub 1141), Chemical Leaman Tank Lines, Inc. now assigned November 15, 1976 at Houston, Texas and will be held in Room 5212, Federal Building, 515 Rusk Avenue.

MC 133095 (Sub 94), Texas Continental Express, Inc. now assigned December 1, 1976 at Dallas, Texas and will be held in Room 5A15-17, Federal Building, 1100 Commerce Street.

MC 133494 (Sub 10), E. W. Belcher Trucking, Inc. now assigned December 2, 1976 at Dallas, Texas and will be held in room 5A15-17, Federal Building, 1100 Commerce Street.

MC-C 9128, Texas Bus Lines, Data Processing Maintenance, Inc., dba Luxury Coaches and Susan D. Charba, dba Wholesale Travel and Tours—Investigation of Operations and Revocation of Certificates now assigned November 30, 1976 at Dallas, Texas and will be held in Room 5A15-17, Federal Building, 1100 Commerce Street.

AB 21, Abilene & Southern Railway Company Abandonment Between Abilene & Winters in Taylor & Runnels Counties, Texas and FD 27929, Texas and Pacific Railway Company—Acquisition and Operation—Line of Railroad at Abilene, Taylor County, Texas now assigned December 6, 1976 at Winters, Texas and will be held at the Chamber of Commerce, Community Center.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-30673 Filed 10-18-76;8:45 am]

[Notice No. 172]

ASSIGNMENT OF HEARINGS; CORRECTION

OCTOBER 14, 1976.

Cases assigned for hearing, postponement, cancellation or oral argument ap-

pear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

Correction

MC 129615 (Sub-No. 17), American International Drive-Away, now assigned November 2, 1976 at Chicago, Illinois has been postponed to December 7, 1976 (9 Days, at Chicago, Illinois. Hearing date should remain as first assigned November 2.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-30674 Filed 10-18-76;8:45 am]

[Rule 19; Ex Parte No. 241, 18th Rev. Exemption No. 90]

EXEMPTION UNDER PROVISION OF MANDATORY CAR SERVICE RULES

It appearing, that the railroads named below own numerous 50-ft. plain boxcars; that under present conditions there are substantial surpluses of these cars on their lines; that return of these cars to the owners would result in their being stored idle; that such cars can be used by other carriers for transporting traffic offered for shipments to points remote from the car owners; and that compliance with Car Service Rules 1 and 2 prevents such use of these cars, resulting in unnecessary loss of utilization of such cars.

It is ordered, that pursuant to the authority vested in me by Car Service Rule 19, 50-ft. plain boxcars described in the Official Railway Equipment Register, I.C.C.-R.E.R. No. 400, issued by W. J. Trezise, or successive issues thereof, as having mechanical designation "XM", and bearing reporting marks assigned to the railroads named below, shall be exempt from the provisions of Car Service Rules 1, 2(a), and 2(b).

Atlanta & Saint Andrews Bay Railway Company
Reporting Marks: ASAB
The Baltimore and Ohio Railroad Company
Reporting Marks: BO
The Chesapeake and Ohio Railway Company
Reporting Marks: CO-PM
Elgin, Joliet and Eastern Railway Company
Reporting Marks: EJE
Green Mountain Railroad Corporation
Reporting Marks: GMRC[1]
Louisville and Wadley Railway Company Reporting Marks: LW
Louisville, New Albany & Corydon Railroad Company
Reporting Marks: LNAC
Missouri-Kansas-Texas Railroad Company
Reporting Marks: BKTY-MKT
New Jersey, Indiana & Illinois Railroad Company
Reporting Marks: NJII
Norfolk and Western Railway Company
Reporting Marks: N&W-NKP-P&WV-WAB
Pearl River Valley Railroad Company
Reporting Marks: PRV
The Pittsburgh and Lake Erie Railroad Company
Reporting Marks: P&LE
Raritan River Rail Road Company
Reporting Marks: RR
Sacramento Northern Railway
Reporting Marks: SN
St. Johnsbury & Lamoille County Railroad
Reporting Marks: SJL
Sierra Railroad Company
Reporting Marks: SERA
Tidewater Southern Railway Company
Reporting Marks: TS
Toledo, Peoria & Western Railroad Company
Reporting Marks: TPW
Vermont Railway, Inc.
Reporting Marks: VTR
WCTU Railway Company
Reporting Marks: WCTR
Western Maryland Railway Company
Reporting Marks: WM
Yreka Western Railroad Company
Reporting Marks: YW

Effective October 15, 1976, and continuing in effect until further order of this Commission.

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

INTERSTATE COMMERCE COMMISSION,
JOEL E. BURNS,
Agent.

[FR Doc.76-30669 Filed 10-18-76;8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

OCTOBER 14, 1976.

An application, as summarized below, has been filed requesting relief from the requirements of Section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1100.40) and filed on or before November 3, 1976.

FSA No. 43253—*Joint Water-Rail Container Rates—Zim Israel Navigation Co., Ltd.* Filed by Zim Israel Navigation Co., Ltd., (No. 13), for itself and interested rail carriers. Rates on general commodities, from railroad terminals at U.S. Gulf Coast ports, to ports in the Mediterranean Sea.

Grounds for relief—Water competition.

Tariff—Zim Israel Navigation Co., Ltd., tariff I.C.C. No. 10, F.M.C. No. 44. Rates are published to become effective on November 24, 1976.

By the Commission

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-30672 Filed 10-18-76;8:45 am]

[Notice No. 136]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

OCTOBER 13, 1976.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 1074 (Sub-No. 15TA), filed October 4, 1976. Applicant: ALLEGHENY FREIGHT LINES, INC., P.O. Box 601, Winchester, Va. 22601. Applicant's representative: Francis W. McInerny, 1000 Sixteenth St., NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Charleston, W. Va., and Huntington, W. Va., over Interstate Highway 64 and U.S. Highway 60, serving all intermediate points and all off-route points, located in Kanawha, Putnam, Cabell and Wayne Counties, W. Va. Applicant intends to tack its existing authority with MC 1074 and subs thereof. Applicant also intends to interline, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: There are approximately 26 statements of support attached to the application, which may be examined at the Interstate Commerce Commission, in Washington, D.C., or copies thereof

---

[1] Delete: Illinois Terminal Railroad Company.

which may be examined at the field office named below. Send protests to: Interstate Commerce Commission, 12th and Constitution Ave., N.W., Room 1413, W. C. Hersman, District Supervisor, Washington, D.C. 20423.

No. MC 111729 (Sub-No. 683TA), filed October 5, 1976. Applicant: PUROLATOR COURIER CORP., 3333 New Hyde Park Road, New Hyde Park, N.Y. 11040. Applicant's representative: Elizabeth L. Hanoch (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, moving in courier service (except household goods, commodities in bulk, explosives, articles of unusual value, and commodities which because of their size and weight require special equipment; and commercial papers, documents and written instruments as are used in the business of banks and banking institutions), between points in Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania and Rhode Island. Restrictions: (1) Restricted against the transportation of packages or articles weighing in excess of 150 pounds from one consignor to one consignee on any one day. (2) Restricted against providing service from or to the premises of banks and banking institutions; and (3) Restricted against providing service from or to the premises of persons, other than agencies of the United States Government, who of which have entered into contracts with applicant or its affiliates and are served by them pursuant to permits issued by the Commission, for 180 days. Supporting shippers: There are approximately 24 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: Maria B. Kejss, Transportation Assistant, Interstate Commerce Commission, 26 Federal Plaza, New York, N. Y. 10007.

No. MC 110393 (Sub-No. 32TA), filed September 30, 1976. Applicant: GEM TRANSPORT, INC., 930 Wall St., Jeffersonville, Ind. 47130. Applicant's representative: Rudy Yessin, 314 Wilkinson St., Frankfort, Ky. 40601. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Frozen prepared foods*, from Fairmont, Minn., and Eau Claire, Wis., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Tennessee, Virginia, West Virginia and the District of Columbia, restricted to shipments originating at Fairmont, Minn., for partial loading and to complete loading of frozen prepared foods, at Eau Claire, Wis., to the destination states, under a continuing contract with Armour Food Company, Greyhound Tower, Phoenix, Ariz. 85077. Send protests to: Fran Sterling, Transportation Assistant, Interstate Commerce Commission, Federal Bldg., and U.S. Courthouse, 46 East Ohio St., Room 429, Indianapolis, Ind. 46204.

No. MC 115904 (Sub-No. 63TA), filed October 4, 1976. Applicant: GROVER TRUCKING CO., 1710 W. Broadway, Idaho Falls, Idaho 83401. Applicant's representative: Irene Warr, 430 Judge Bldg., Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum, gypsum products and building materials and materials and supplies* used in the installation and application thereof, from the plantsite of United States Gypsum Company, at Heath, Mont., to points in Idaho, Montana, North Dakota, Oregon, South Dakota, Washington and Wyoming, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: United States Gypsum Company, 525 South Virgil Ave., Los Angeles, Calif. 90020. Send protests to: Barney L. Hardin, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 550 W. Fort St., Box 07, Boise, Idaho 83724.

No. MC 116073 (Sub-No. 336TA), filed October 4, 1976. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., 1825 Main Ave., P.O. Box 919, Moorhead, Minn. 56560. Applicant's representative: John C. Barrett (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers*, designed to be drawn by passenger automobiles (except travel trailers), in initial movements, from Spencer, Wis., to points in Illinois and the Upper Peninsula of Michigan, and (2) *Buildings*, in initial movement, from Spencer, Wis., to points in Illinois, Iowa, Minnesota, Montana, North Dakota, South Dakota, Wisconsin and the Upper Peninsula of Michigan, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Artcraft Homes, 100 Park St., Spencer, Wis. 54479. Send protests to: Ronald R. Mau, District Supervisor, Interstate Commerce Commission, Bureau of Operations, P.O. Box 2340, Fargo, N. Dak. 58102.

No. MC 116073 (Sub-No. 337TA), filed October 4, 1976. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., 1825 Main Ave., P.O. Box 919, Moorhead, Minn. 56560. Applicant: John C. Barrett (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings*, in initial movement, from Spencer, Wis., to points in Minnesota, North Dakota and Iowa, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Dickman Homes, Inc., Spencer, Wis. 54479. Send protests to: Ronald R. Mau, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 2340, Fargo, N. Dak. 58102.

No. MC 126276 (Sub-No. 157TA), filed October 5, 1976. Applicant: FAST MOTOR SERVICE, INC., 9100 Plainfield Road, Brookfield, Ill. 61503. Applicant's representative: Albert A. Andrin, 180 N. LaSalle St., Chicago, Ill. 60601. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers and metal container ends*, from the plant and warehouse sites of American Can Company, located at Hoopeston, Ill., to Portland, Maine, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: American Can Company, William Frazier, Transportation Coordinator, 915 Harger Road, Oak Brook, Ill. 60521. 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 133221 (Sub-No. 24TA), filed October 4, 1976. Applicant: OVERLAND CO., INC., 1991 Buford Highway, Lawrenceville, Ga. 30245. Applicant's representative: Alvin Button, 2477 N. Decatur Road, Decatur, Ga. 30033. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Insulating material*, from the plantsite of Fibreboard Corporation, at Fruita, Colo., to points in the United States (except Alaska and Hawaii), for 180 days. Supporting shipper: Fibreboard Corporation, 55 Francisco St., San Francisco, Calif. 94133. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1252 W. Peachtree St., N.W., Room 546, Atlanta, Ga. 30309.

No. MC 133689 (Sub-No. 83TA), filed October 5, 1976. Applicant: OVERLAND EXPRESS, INC., 719 First St., S.W., New Brighton, Minn. 55112. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from points in the Minneapolis-St. Paul, Minn., Commercial Zone as defined by the Commission, to points in Georgia, North Carolina, South Carolina and Tennessee (except Memphis), for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Armour Food Company, Greyhound Towers, Phoenix, Ariz. 85077. Send protests to: Marion L. Cheney, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 414 Federal Bldg., and U.S. Courthouse, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 140081 (Sub-No. 3TA), filed October 5, 1976. Applicant: A & A TRUCKING, INC., Box 68, Shelby, Nebr.

68662. Applicant's representative: Bradford E. Kistler, Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed, feed ingredients, and animal and poultry health products* (except in bulk, in tank vehicles), between the facilities of Allied Mills, Inc., located near Columbus, Nebr., on the one hand, and, on the other, points in Wyoming, South Dakota, Iowa, Missouri and Utah, restricted against transportation of soybean meal to points in Utah, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Donald A. Smith, Plant Manager, Allied Mills, Inc., Columbus, Nebr. 68601. Send protests to: Max H. Johnston, District Supervisor, 285 Federal Bldg., & Courthouse, 100 Centennial Mall North, Lincoln, Nebr. 68508.

No. MC 140615 (Sub-No. 17TA), filed October 4, 1976. Applicant: DAIRYLAND TRANSPORT, INC., P.O. Box 1116, Wisconsin Rapids, Wis. 54494. Applicant's representative: Jacob P. Billig, 2033 K St., NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dairy products, dairy by-products and gift-paks* (except frozen commodities and commodities in bulk), from the facilities of Arpin Dairy, Inc., at Arpin, Wis., to Danbury and Wethersfield, Conn.; Chicago, Franklin Park and Westville, Ill.; Adelphia, Baltimore, Capitol Heights, Rockville, Tuxedo and Wheaton, Md.; Detroit, Fraser, Grand Rapids, Lincoln Park, Livonia, Muskegon, Plymouth, St. Clair Shores, Southfield, Walled Lake and Warren, Mich.; Fairfield, Newark, Roseland, and South Hackensack, N.J.; Monticello and Mt. Vernon, N.Y.; Cincinnati, Columbus, Dayton, Piqua and Xenia, Ohio; Norristown, Philadelphia and York, Pa.; Manasses, McLean, Norfolk, Portsmouth, Virginia Beach and Woodbridge, Va.; and the District of Columbia; and (2) *Dairy products, dairy by-products and gift-paks* (except frozen commodities and commodities in bulk), from the facilities of John Wuethrich Creamery Co., Inc., near Greenwood, Wis., to Cheshire, Milford, New Haven, Norwalk, Rockville, Stamford and Stratford, Conn.; Worcester, Mass.; Detroit, Mich.; Cohoes, N.Y.; Coatesville, Pa.; and the District of Columbia commercial zone, for 90 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: (1) John Weuthrich Creamery Co., Inc., Greenwood, Wis. 54437. (2) Arpin Dairy Inc., County Highway N, Arpin, Wis. 54410. Send protests to: Richard K. Shullaw, District Supervisor, Interstate Commerce Commission, 139 West Wilson St., Room 202, Madison, Wis. 53703.

No. MC 140743 (Sub-No. 10TA) filed October 4, 1976. Applicant: GORSKI BULK TRANSPORT, INC., 21635 E. Nine Mile Road, St. Clair Shores, Mich. 48080. Applicant's representative: William B. Elmer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic beverages*, in bulk, in tank vehicles, between the International Boundary Line, between the United States and Canada, located in Michigan, on the one hand, and, on the other, Allen Park, Mich. Applicant intends to interline with Drum Transport, Inc., on some of the traffic moving westbound to Menlo Park, Calif., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Smirnoff Beverage & Import Company Heublein, Inc., Leon J. Jus, Traffic & Distribution Manager, 2500 Enterprise, Allen Park, Mich. 48101. Send protests to: James A. Augustyn, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1110 Broderick Tower, 10 Witherell Ave., Detroit, Mich. 48226.

No. MC 141097 (Sub-No. 6TA) (Correction) filed Septmber 13, 1976, published in the FEDERAL REGISTER issue of September 28, 1976, and republished as corrected this issue. Applicant: CALTEX, INC., 3051 Capri Lane, Costa Mesa, Calif. Applicant's repersentative: Kellner & Steffire, 700 South Flower St., Suite 818, Los Angeles, Calif. 90017. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Synthetic yarn, synthetic fiber and the materials and supplies* used in connection with the manufacturing thereof, from the facilities, production and plantsites of American Enka, located at Enka and Ashville, N.C.; Clemson, S.C.; and Lowlands, Tenn.; on the one hand, and the facilities of Pharr Yarns, Inc., located at McAdenville, Gastonia, Belmont, and Spencer Mountain, N.C.; Clover, S.C.; Rome, Ga.; and Los Angeles and Costa Mesa, Calif., on the other restriction: The above described service to be restricted to transportation performed under a continuing contract or contracts, with Pharr Yarns, Inc., of McAdenville, N.C., for 180 days. Supporting shipper: Pharr Yarns, Inc., Costa Mesa, Calif. Send protests to: Mary A Francy, Bureau of Operations, Room 1321 Federal Bldg., 300 North Los Angeles St., Los Angeles, California. 90012. The purpose of this republication is to change docket No. MC 141097 (Sub-No. 6) in lieu of MC 142444.

No. MC 141255 (Sub-No. 6TA) filed October 5, 1976. Applicant: TANDY TRANSPORTATION, INC., 3501 Fairview, P.O. Box 7135, Fort Worth, Tex. 76111. Applicant's representative: Ralph W. Pulley, Jr., 4555 First National Bank Bldg. Dallas, Tex. 75202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Electronic equipment, materials and supplies* (except commodities requiring the use of special equipment), from Seattle, Wash., to Randolph, Mass.; (2) *Electronic equipment, materials and supplies* (except commodities requiring the use of special equipment), from Los Angeles, Calif., to Randolph, Mass.; (3) *Antenna masts* (except commodities requiring the use of special equipment), from Tarrant City, Ala., to Randolph, Mass.; (4) *Electronic stands KD* (except commodities requiring the use of special equipment), from St. Louis, Mo., to Randolph, Mass.; and (5) *Electronic equipment* (except commodities requiring the use of special equipment), from Mundelein, Ill., to Randolph, Mass. RESTRICTION: The operations authorized herein in Paragraphs (1) through (5) are limited to a transportation service to be performed under a continuing contract or contracts with Tandy Corporation and its division, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Tandy Corporation, 2727 W. 7th St., Fort Worth, Tex. 76107. Send protests to: H. C. Morrison, Sr., District Supervisor, Room 9A27 Federal Bldg., 819 Taylor St., Fort Worth, Tex. 76102.

No. MC 142247 (Sub-No. 1TA) filed October 6, 1976. Applicant: FRED SOUTH, doing business as FRED'S MOBILE HOME SERVICE, Route 2, Abingdon, Va. 24210. Applicant's representative: Emmit F. Yeary, 161 East Main St., Abingdon, Va. 24210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mobile homes*, between points in Tennessee, North Carolina, West Virginia, Kentucky, Virginia, Georgia and Florida, for 180 days. Supporting shipper: There are approximately 6 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: Danny R. Beeler, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 210, Roanoke, Va. 24011.

No. MC 142472 (Sub-No. 1TA) filed October 4, 1976. Applicant: CUSTOM SERVICES, INC., 6373 Highway 50, West, Carson City, Nev. 89701. Applicant's representative: Lynn Hettrick (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Diatomaceous earth*, in bulk, from Eagle Picher Industries, Inc., plantsite, Storey County, Nev., to points in California, under a continuing contract with, Eagle-Picher Industries, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Eagle-Picher Industries, Inc., P.O. Box 1869, Reno, Nev. 89505. Send protests to: Kenneth Lester, Transportation Specialist, Interstate Commerce Commission, 203 Federal Bldg., 705 North Plaza St., Carson City, Nev. 89701.

No. MC 142490 (Sub-No. 1TA) filed October 4, 1976. Applicant: GREENWOOD TRANSFER & STORAGE COMPANY, INC., Route 11, Staunton Bridge Road, Greenville, S.C. 29611. Applicant's representative: E. Stephen Heisley, 666 Eleventh St., N.W., Suite 805, Washington, D.C. 20001. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transport-

ing: *Corrugated products and materials, equipment, and supplies* used or useful in the manufacture, distribution, and sale of corrugated products, between the facilities of Continental Can Co., Inc., at or near Columbia, S.C.; the facilities of Materials Management Associates, at or near Powdersville, S.C.; the facilities of C & R Container, Inc., at or near Greenville, S.C.; the facilities of Mead Container Corporation, at or near Spartanburg, S.C.; the facilities of Piedmont Packaging, Inc., at or near Spartanburg, S.C.; on the one hand, and, on the other, points in Georgia, North Carolina, Virginia, Alabama, Tennessee, restricted to transportation of shipments originating at and destined to the above-described points, under a continuing contract with Continental Can Co., Inc., Materials Management Associates, C & R Container, Inc., Mead Container Corporation, and Piedmont Packaging, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Continental Can Co., Inc., 128 Crews Drive, Columbia, S.C. 29210. Piedmont Packaging, Inc., P.O. Box 366, Fairport, S.C. 29336. Mead Container Corp., P.O. Box 4371, Spartanburg, S.C. 29301. C & R Container, Inc., and Materials Management Associates, P.O. Box 427, Piedmont, S.C. 29673. Send protests to: E. E. Strotheid, District Supervisor, Interstate Commerce Commission, Room 302, 1400 Pickens St., Columbia, S.C. 29201.

No. MC 142498TA filed October 5, 1976. Applicant: BADGER CONSTRUCTION, INC., 12 Mile Badger Road, Fairbanks, Ark. 99701. Applicant's representative: Julian C. Rice, P.O. Box 2551, Fairbanks, Ark. 99701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, which because of their size and weight, and shape require the use of special low bed equipment), between Anchorage, Valdez, Fairbanks, Prudhoe Bay, and Seward, Alaska and intermediate points, including off highway locations serving the Trans-Alaska Pipeline, for 180 days. Supporting shipper: Alyeska Pipeline Service Co., Gate 25, International Airport, Fairbanks, Alaska 99716. Send protests to: Hugh H. Chaffee, Interstate Commerce Commission, P.O. Box 1532, Anchorage, Alaska 99510.

No. MC 142499TA filed October 1, 1976. Applicant: LESLIE JACKSON & ROGER JACKSON, doing business as, JACKSON BROTHERS, 121 Pennell Road, Imlay City, Mich. 48444. Applicant's representative: James R. Davis, 1018 Michigan National Tower, Lansing, Mich. 48933. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Potting soil, top soil, fertilizer, empty bags, marble chips and peat moss, spag, moss and vermiculite*, between the facilities of the Anderson-Peat Co., at or near Imlay City, Mich., on the one hand, and points in Ohio, Kentucky and Indiana on the other, under a continuing contract with Anderson Peat Company, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Anderson Peat Company, Plant Manager, Ward Jessop, 332 Graham Road, Imlay City, Mich. 48444. Send protests to: James A. Augustyn, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1110 Broderick Tower, 10 Witherell, Detroit, Mich. 48226.

PASSENGER APPLICATION

No. MC 142497TA filed October 4, 1976. Applicant: ATLANTIC CHARTER BUS SERVICE, INC., 1551 Azalea Garden Road, Norfolk, Va. 23502. Applicant's representative: Steven L. Weiman, Suite 145, 4 Professional Drive, Gaithersburg, Md. 20760. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in round trip charter operations, beginning and ending at points in Virginia Beach, Norfolk, Chesapeake, Portsmouth, Hampton and Newport News, Va., and extending to points in the United States (except Montana, Idaho, Michigan, Nebraska, and Iowa; beginning and ending at points in York County, Va., and extending to points in Colorado, Connecticut, the District of Columbia, Georgia, Indiana, Kansas, Kentucky, Maine, Maryland, Missouri, New Jersey, New York, Pennsylvania, South Dakota, Utah, West Virginia, Wisconsin and Wyoming; beginning and ending at points in Gloucester County, Va., and extending to points in Connecticut, Delaware, the District of Columbia, Florida, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, Tennessee, Vermont and West Virginia; beginning and ending at points in Isle of Wight, Va., and extending to points to Arizona, California, Colorado, Florida, Georgia, Kansas, Louisiana, Missouri, Nevada, North Carolina, South Carolina, Tennessee and Texas; beginning and ending at points in James City County, Va., and extending to points in California, the District of Columbia, Florida, Maryland, North Carolina and South Carolina, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: There are approximately 56 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: W. H. Woerner, Bureau of Operations, Room 10-502 Federal Bldg., 400 N. 8th St., Richmond, Va. 23240.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-30675 Filed 10-18-76;8:45 am]

[Notice No. 137]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

OCTOBER 14, 1976.

The following are notices of filing of applications for temporary authority under Section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 9325 (Sub-No. 73TA) filed October 7, 1976. Applicant: K LINES, INC., P.O. Box 1348, Lake Oswego, Oreg. 97034. Applicant's representative: Eugene A. Feise (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ammonium phosphate and superphosphate*, in bulk, in tank or hopper type equipment, from Silver King, Idaho, to points in Washington and Oregon, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Stauffer Chemical Company, 1 Embaracadero Center, San Francisco, Calif. Send protests to: A. E. Odoms, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 555 S.W. Yamhill St., Portland, Oreg. 97204.

No. MC 8973 (Sub-No. 43TA) filed October 6, 1976. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th St., North Bergen, N.J. 07047. Applicant's representative: George A. Olsen, 69 Ton-

nele Ave., Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials*, from the facilities of The Celotex Corp., at Perth Amboy, N.J., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia and the District of Columbia, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: The Celotex Corporation, 1500 North Dale Mabry Highway, Tampa, Fla. 33607. Send protests to: Julia M. Papp, Transportation Assistant, Interstate Commerce Commission, 9 Clinton St., Room 618, Newark, N.J. 07102.

No. MC 30092 (Sub-No. 22TA) filed October 7, 1976. Applicant: HERRETT TRUCKING COMPANY, INC., P.O. Box 539, Hwy & Factory Rd., Sunnyside, Wash. 98944. Applicant's representative: Philip G. Skofstad, N.E. 13th & Linden St., Gresham, Oreg. 97030. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime sludge*, in bulk, from Zillah, Wash., to points in Oregon, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Soil Conditioners, Inc., P.O. Box 206, Zillah, Wash. 98953. Send protests to: W. J. Huetig, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, Portland, Oreg. 97204.

No. MC 35628 (Sub-No. 384TA) filed October 6, 1976. Applicant: INTERSTATE MOTOR FREIGHT SYSTEM, 134 Grandville Ave., S.W., Grand Rapids, Mich. 49502. Applicant's representative: Michael P. Zell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), serving the plantsite of Manchester Plastics, at Manchester, Mich., as an off-route point in conjunction with applicant's authorized service. Applicant intends to tack its existing authority with MC 35628, for 180 days. Supporting shipper: Davidson Rubber Company, Inc., Industrial Park, Dover, N.H. 03820. Send protests to: C.R. Flemming, District Supervisor, Interstate Commerce Commission, 225 Federal Bldg., Lansing, Mich. 48933.

No. MC 50307 (Sub-No. 82 TA) filed October 6, 1976. Applicant: INTERSTATE DRESS CARRIERS, INC., 247 W. 35th St., New York, N.Y. 10001. Applicant's representative: Herbert Burstein, One World Trade Center, Suite 2373, New York, N.Y. 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel*, in boxes or cartons and on hangers; *and materials, supplies and equipment* used in the manufacture of wearing apparel, between Morgantown, W. Va., and Woodsfield, Ohio, between Woodsfield, Ohio and Cleveland, Ohio, and between Woodsfield, Ohio and points in Pennsylvania, New Jersey and New York, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: L.G.A.M. Manufacturing Co., Inc., P.O. Box 150, Woodsfield, Ohio. Send protests to: Maria B. Kejss, Transportation Assistant, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 52460 (Sub-No. 188 TA) filed October 7, 1976. Applicant: ELLEX TRANSPORTATION, INC., 1420 W. 35th St., Tulsa, Okla. 74107. Applicant's representative: Steve Cipich, P.O. Box 9637, Tulsa, Okla. 74107. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal food*, from Red Bay, Ala., and Tupelo, Miss., to points in Texas, Louisiana, Oklahoma, Arkansas, Kansas, Missouri and those points in Nebraska on and east of U.S. Highway 81, for 180 days. Supporting shipper: Sunshine Mills, Inc., P.O. Box 5, Red Bay, Ala. 35582. Send protests to: Joe Green, District Supervisor, Room 240 Old Post Office Bldg., 215 N.W. Third St., Oklahoma City, Okla. 73102.

No. MC 55891 (Sub-No. 5TA) filed October 6, 1976. Applicant: I. B. GILL AND L. L. GILL, doing business as GILL TRUCKING CO., 5301 S. High, Oklahoma City, Okla. 73219. Applicant's representative: Edward W. Smith, 2525 Northwest Expressway, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, materials, supplies and equipment* incidental to, or used in, the construction, development, operation and maintenance of facilities for the discovery, development, and production of natural gas and petroleum shipments, between Oklahoma City, Okla., and points in Colorado, New Mexico and Wyoming, for 180 days. Supporting shippers: Baroid Div., NL Ind., Inc., 6600 Wheatland Road; Land & Marine Rental Company, P.O. Box 75278; FMC Corporation, P.O. Box 15070, Oklahoma City, Okla. and Wilson Downhole-Div. of Wilson Ind., 5616 S. Rockwell, Wheatland, Okla. Send protests to: Joe Green, District Supervisor, Room 240 Old Post Office Bldg., 215 Northwest Third St., Oklahoma City, Okla. 73102.

No. MC 73688 (Sub-No. 71TA), filed October 7, 1976. Applicant: SOUTHERN TRUCKING CORPORATION, P.O. Box 7195, 1500 Orenda Avenue, Memphis, Tenn. 38107. Applicant's representative: Mr. John Paul Jones, P.O. Box 3140, Front Street Station, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from Memphis, Tenn. and West Memphis, Ark., to points in Kansas, and Missouri, except those points on and east of Missouri Highway 51, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Pidgeon-Thomas Iron Company, 107 E. H. Crump Blvd., Memphis, Tenn. 38103. Send protests to: Mr. Floyd A. Johnson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 100 North Main Street, Suite 2906, Memphis, Tenn. 38103.

No. MC 82063 (Sub-No. 70TA), filed October 8, 1976. Applicant: KLIPSCH HAULING CO., 10795 Watson Road, St. Louis, Mo. 63127. Applicant's representative W. E. Klipsch (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Muriatic acid*, in bulk, in tank vehicles, from Jacksonville, Ark., to points in Illinois and Indiana, for 180 days. Supporting shipper(s): V & J Chemical and Engineering Services, Inc., P.O. Box 1214, Bellaire, Tex. 77401. Send protests to: J. P. Werthmann, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 210 N. 12th Street, Room 1465, St. Louis, Mo. 63101.

No. MC 97006 (Sub-No. 13TA), filed October 6, 1976. Applicant: HOWARD'S EXPRESS, INC., R.D. #3, East North St., P.O. Drawer 72, Geneva, N.Y. 14456. Applicant's representative: Eugene M. Malkin, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fibreboard, paper and paper board cans and metal tops and bottoms*, from Fairless Jills, Pa., to Wolcott, N.Y., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: C. W. Radebaugh, Manager, Transportation Rates, Owens-Illinois, Inc., P.O. Box 1035, Toledo, Ohio 43666. Send protests to: Morris H. Gross, District Supervisor, Interstate Commerce Commission, U.S. Courthouse & Federal Bldg., 100 S. Clinton St., Room 831, Syracuse, N.Y. 13202.

No. MC 109692 (Sub-No. 41TA), filed October 7, 1976. Applicant: GRAIN BELT TRANSPORTATION COMPANY, P.O. Box 5608, Kansas City, Mo. 64102. Applicant's representative: Tom B. Kretsinger, 910 Brookfield Bldg., 101 W. 11th Street, Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe, pipe fittings, and couplings, connectors, and accessories for pipe* (except iron and steel pipe), from the plantsite of Armco Steel Corporation at or near Springfield, Ill., to points in Iowa, Kansas, Missouri and Nebraska, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Armco Steel Corporation, 7000 Roberts Street, Kansas City, Mo. 64125. Send protests to: Vernon V. Coble, District Supervisor, Interstate Commerce

Commission, Box 600 Federal Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 111201 (Sub-No. 25TA), filed October 6, 1976. Applicant: J. N. ZELLNER & SONS TRANSFER COMPANY, P.O. Box 90818, East Point, Ga. 30044. Applicant's representative: Frank D. Hall, 3384 Peachtree Road, N.E., Suite 713, Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers and parts thereof, including but not limited to tops, ends and sides*, from Bishopville, S.C., to the plantsite and warehouse facilities of Shasta Beverages, at Tarrant City, Ala.; Charlotte, N.C.; and Eustis, Fla. and from Collierville, Tenn., to the plantsite and warehouse facilities of Shasta Beverages, at Tarrant City, Ala., and Kenner, La., for 180 days. Supporting shipper: National Can Company, Midwest District Traffic Manager, 8101 W. Higgins Road, Chicago, Ill. 60631. Send protests to: District Supervisor Scroggs, Bureau of Operations, Interstate Commerce Commission, 1252 W. Peachtree St., N.W., Room 546, Atlanta, Ga. 30309.

No. MC 113658 (Sub-No. 10TA), filed October 4, 1976. Applicant: SCOTT TRUCK LINE, INC., P.O. Box 16346, 5871 Broadway, Commerce City, Colo. 80022. Applicant's representative: William J. Boyd, 600 Enterprise Drive, Oak Brook, Ill. 60521. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, packinghouse products and commodities used by packinghouses* as described in Appendix I, in the *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Denver, Colo., to points in Connecticut, Delaware, the District of Columbia, Illinois, Indiana, Maryland, Massachusetts, Michigan, New Jersey, New York, Ohio, Pennsylvania, Virginia, West Virginia and Wisconsin, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Circle C Beef Co., 5900 York St., Denver, Colo., Colorado Beef Processors, Inc., 55590 High St., Denver, Colo. 80216. United Packing Co., 5000 Clarkson St., Denver, Colo. Pepper Packing Co., 901 E. 46th Ave., Denver, Colo. Litvak Meat Co., Inc., 5900 York St., Denver, Colo. 80216. Send protests to: Roger L. Buchanan, District Supervisor, Interstate Commerce Commission, 721 19th St., 492 U.S. Customs House, Denver, Colo. 80202.

No. MC 115924 (Sub-No. 31TA), filed October 1, 1976. Applicant: SUGAR TRANSPORT, INC., P.O. Box 4063, Port Wentworth, Ga. 31407. Applicant's representative: L. D. Simmons, No. 2 Grange Road, Port Wentworth, Ga. 31407. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Citrus molasses distillers solubles*, in bulk, in tank vehicles, from Jacksonville, Fla., to Port Wentworth, Ga., under a continuing contract with Savannah Foods, Inc., for 180 days. Supporting shipper: Savannah Foods, Inc., P.O. Box 339, Savannah, Ga. 31402. Send protests to: G. H. Fauss, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay St., Jacksonville, Fla. 32202.

No. MC 116045 (Sub-No. 45TA), filed October 6, 1976. Applicant: NEUMAN TRANSIT CO., INC., P.O. Box 38, East of Rawlins, Rawlins, Wyo. 82301. Applicant's representative: Leslie R. Kehl, 1600 Lincoln Center Bldg., 1600 Lincoln Street, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Spent sulphuric acid*, in bulk, from Louviers, Colo., to Laramie, Wyo., and points within five miles thereof, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting Shipper(s): Western Nuclear, Inc., Suite 387, One Park Central, Denver, Colo. 80202. Send protests to: District Supervisor P. A. Naughton, Interstate Commerce Commission, Rm. 1006 Federal Bldg. & Post Office, 100 East "B" Street, Casper, Wyo. 82601.

No. MC 119792 (Sub-No. 56TA), filed October 6, 1976. Applicant: CHICAGO SOUTHERN TRANSPORTATION CO., INC., 3600 S. Western Ave., Chicago, Ill. 60609. Applicant's representative: Leonard R. Kofkin, 39 S. Western Ave., Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products and packing houses products* (except in bulk), from Searcy, Ark., to points in Alabama, Louisiana, Mississippi, Florida, Georgia, North Carolina, South Carolina and Tennessee, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Land O'Frost Inc., Daniel Perry, Traffic Manager, 16850 Chicago Ave., Lansing, Ill. 60438. 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 124004 (Sub-No. 37TA), filed October 7, 1976. Applicant: RICHARD DAHN, INC., 620 W. Mountain Road, Sparta, N.J. 07871. Applicant's representative: George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Stone and stone products, terrazzo strips and supplies and equipment* used or useful in the manufacture or sale of the foregoing commodities, between the manufacturing facilities, and warehouses, and when imported for the account of General Stone & Material Corp., and its subsidiaries, and its divisions, and Clifford W. Estes Co., Inc., Staley, N.C., on the one hand, and, on the other points in all states east of the Mississippi River, including Minnesota, Iowa, Kansas, Arkansas, Oklahoma and Texas, for 180 days. Supporting shippers: Clifford W. Estes Co., Inc., Page & Schuyler Ave., Lyndhurst, N.J. 07071, and General Stone & Material Corp., P.O. Box 1198, Roanoke, Va. Send protests to: Julia M. Papp, Transportation Assistant, Interstate Commerce Commission, 9 Clinton St., Room 618, Newark, N.J. 07102.

No. MC 124813 (Sub-No. 157TA), filed October 6, 1976. Applicant: UMTHUN TRUCKING CO., 910 S. Jackson St., P.O. Box 166, Eagle Grove, Iowa 50533. Applicant's representative: James M. Hodge, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat scraps and bone scraps*, in bulk, from the facilities of Darling & Company, at Tama, Iowa, to Mason City and Lynn Center, Ill., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Darling & Company, 4650 S. Racine, Chicago, Ill. 60609. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Bldg., Des Moines, Iowa 50309.

No. MC 124813 (Sub-No. 158TA), filed October 8, 1976. Applicant: UMTHUN TRUCKING CO., 910 S. Jackson, P.O. Box 166, Eagle Grove, Iowa 50533. Applicant's representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime and limestone products*, in bulk, from the plantsite and storage facilities of Linwood Stone Products Company, Inc., at or near Davenport, Iowa, to points in Wisconsin (except Milwaukee), for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Linwood Stone Products Company, Inc., R.R. #2, Davenport, Iowa 52804. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Bldg., Des Moines, Iowa 50309.

No. MC 126736 (Sub-No. 91TA), filed October 1, 1976. Applicant: FLORIDA ROCK AND TANK LINES, INC., 155 E. 21st St., P.O. Box 1559, Jacksonville, Fla. 32201. Applicant's representative: L. H. Blow (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable cooking oil*, in bulk, in shipper or water carrier tank vehicles, from Marks, Miss., to Jacksonville, Fla., for subsequent export movement, for 180 days. Supporting shipper: Frito-Lay, Inc., P.O. Box 35034, Dallas, Tex. 75235. Send protests to: G. H. Fauss, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 W. Bay St., Jacksonville, Fla. 32202.

No. MC 127187 (Sub-No. 18TA), filed October 8, 1976. Applicant: FLOYD DUENOW, INC., 1728 Industrial Park Blvd., Fergus Falls, Minn. 56537. Applicant's representative: Gene P. Johnson, 425 Gate City Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common*

carrier, by motor vehicle, over irregular routes, transporting: *Limestone*, from Alden, Iowa, to points in Minnesota, North Dakota and South Dakota, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Iowa Limestone Company, 500 New York, Des Moines, Iowa, 50313. Send protests to: Ronald R. Mau, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 2340, Fargo, N. Dak. 58102.

No. MC 128878 (Sub-No. 37TA), filed October 6, 1976. Applicant: SERVICE TRUCK LINE, INC., P.O. Box 3904, Shreveport, La. 71103. Applicant's representative: C. Wade Shemwell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, in containers, from Opelousas, La., to points in Austin, Brazoria, Chambers, Fort Bend, Galveston, Harris, Liberty, Montgomery and Waller Counties, Tex., for 180 days. Supporting shipper: Swift Agricultural Chemicals Corp., 111 W. Jackson Blvd., Chicago, Ill. 60604. Send protests to: Ray C. Armstrong, Jr., District Supervisor, 701 Loyola Ave., 9038 U.S. Federal Bldg., New Orleans, La. 70113.

No. MC 133119 (Sub-No. 99TA), filed October 7, 1976. Applicant: HEYL TRUCK LINES, INC., 200 Norka Drive, P.O. Box 206, Akron, Iowa 51001. Applicant's representative: A. J. Swanson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from the facilities of The Pillsbury Company, located in the Minneapolis, Minnesota Commercial Zone, to points in Texas and Louisiana, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Olivia Bradley, Distribution Administrator, The Pillsbury Company, 7350 Commerce Lane, Minneapolis, Minn. 55432. Send protests to: Carroll Russell, District Supervisor, Suite 620, 110 N. 14th St., Omaha, Nebr. 68102.

No. MC 134755 (Sub-No. 78TA), filed October 7, 1976. Applicant: CHARTER EXPRESS, INC., 1959 E. Turner St., P.O. Box 3772, Springfield, Mo. 65804. Applicant's representative: Larry D. Knox, 900 Hubbell Bldg., Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Toilet articles; toilet preparations; drugs, medicines; cosmetic articles; and medical materials and supplies* (except in bulk), from Jefferson City, Mo., to Stone Mountain, Ga., for 180 days. Supporting shipper: Chesebrough-Pond's, Inc., John St., Clinton, Conn. 06413. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 600 Federal Bldg., 911 Walnut St., Kansas City, Mo. 64106.

No. MC 136818 (Sub-No. 12TA), filed October 5, 1976. Applicant: SWIFT TRANSPORTATION COMPANY, INC., 335 W. Elwood, Phoenix, Ariz. 85031. Applicant's representative: Donald Fernaays, 4040 E. McDowell Road, Suite 312, Phoenix, Ariz. 85003. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cheese*, from Thayne, Wyo., to points in California, Minnesota, Wisconsin, Pennsylvania and New York, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Star Valley Cheese Corp., Thayne, Wyo. 83127. Send protests to: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, 3427 Federal Bldg., 230 N. First Ave., Phoenix, Ariz. 85025.

No. MC 138080 (Sub-No. 6TA), filed October 7, 1976. Applicant: EDWARD R. WOLFE, doing business as WOLFE TRUCKING, 24025 Ahha Lane, Bend, Oreg. 97701. Applicant's representative: Philip G. Skofstad, 1300 N. E. Linden, Gresham, Oreg. 97030. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Line sludge, from points in Yakima County, Wash., to points in Jefferson County, Oreg., under a continuing contract with Soil Conditioners, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Soil Conditioners, Inc., Box 206, Zillah, Wash. 98935. Send protests to: W. J. Huetig, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, Portland, Oreg. 97204.

No. MC 138235 (Sub-No. 8TA) filed October 6, 1976. Applicant: DECKER TRANSPORT COMPANY, INCORPORATED, 412 Route 23, Pompton Plains, N.J. 07444. Applicant's representative: George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over regular routes, transporting: *Freezers, refrigerators, ranges, ovens, hoods, canopies, washing machines, dryers, disposal units, sheet steel articles, air coolers, heaters, humidifiers, compactors, air conditioners, television sets, stereos, radios, garden or lawn tractors, lawn mowers, tillers and component parts* of the foregoing, materials, supplies and equipment used in or for the installation of the foregoing (except commodities in bulk and those which require the use of special equipment), between the facilities utilized by J. C. Penney Company, Inc., at or near Anderson, Ind., on the one hand, and, on the other, the following stores and distribution centers of J. C. Penney Company, Inc., located at or near Birmingham, Dothan, Fairfield, Mountain Brook, Opelika and Decatur, Ala.; Jonesboro and Russellville, Ark.; Aurora, Boulder, Colorado Springs, Denver, Englewood, Fort Collins, Greeley, Pueblo, Roydale and Westminster, Colo.; Enfield, Farmington, Manchester, Meriden, Stamford and Norwich, Conn.; Dover and Wilmington, Del.; Bradenton, Clearwater, Daytona Beach, Ft. Myers, Ft. Lauderdale, Gainesville, Hialeah, Hollywood, Jacksonville, Lakeland, Lauderdale Lakes, Mary Esther, Melbourne, Merritt Island, Miami, N. Miami Beach, Orlando, Panama City, Pensacola, Pinellas Park, Pompano Beach, Sanford, Sarasota, Saint Petersburg, Tampa, Titusville, Vero Beach, W. Palm Beach and Winter Park, Fla.; Atlanta, Augusta, Columbus, Decatur, Forest Park, Griffin, Macon, Morrow and Norcross, Ga.; Aurora, Belleville, Berwyn, Carbondale, Champaign, Chicago, East Alton, Elgin, Elk Grove Village, Fairview Heights, Freeport, Galesburg, Harvey, Jacksonville, Joliet, Lombard, Matteson, Melrose Park, Niles, N. Riverside, Orland Park, Pekin, Riverside, Rockford, Schaumburg, Springfield and Sterling Ill.; Ames, Cedar Rapids Des Moines, Dubuque, Ft. Dodge, Keokuk, New Burlington, Sioux City and West Des Moines, Iowa; Emporia, Kansas City, Leavenworth, Manhattan, Mission, Overland Park, St. Joseph and Topeka, Kans.; Clarksville, Florence, Frankfort, Hopkinsville, Louisville, Owensboro and Paducah, Ky.; Alexandria, Baton Rouge, Lake Charles and Shreveport, La.; Catonsville, Eastpoint, Forestville, Frederick, Gaithersburg, Columbia, Hagerstown, Rockville and Silver Spring, Md.; Adrian, Ann Arbor, Belding, Big Rapids, Cheboygan, Dearborn, Grand Rapids, Harper Woods, Iron Mountain, Greenville, Kingsford, Mt. Pleasant, Muskegon Heights, Taylor, Novi, Saginaw, Southfield, Sterling Heights, Troy and Westland, Mich.; Burnsville, Duluth, Fairmont, International Falls, Minneapolis, Minnetonka, Plymouth, Rochester, Roseville, St. Cloud, Marshall, Willmar and Winona, Minn.; Meridian, Mississippi, Cape Girardeau, Columbia, Des Peres, Grandview, Hannibal, Jennings, Joplin, Kansas City, N. Kansas City, Rolla, St. Ann, St. Louis and Sikeston Mo.; Bellevue, Freemont, Lincoln, McCook, Norfolk, Omaha, and Scottsbluff, Nebr.; Audubon, Cherry Hill, Dover, Eatontown, East Brunswich, Edison, Paramus, Thorofare, Toms River, Trenton, Voorhees and Wayne, N.J.; Bayshore, Buffalo, Depew, De Witt, Farmingdale, Garden City, Greece, Ithaca, Lakewood, Little Falls, Massapequa, Middletown, New Hyde Park, Plattsburgh, Port Richmond, Rochester and Valley Stream, N.Y.; Rochester, N.H.; Charlotte, Colfax, Durham, Fayetteville, Gastonia, Greensboro, Greenville, High Point, Raleigh, Rockingham, Rocky Mount and Winston-Salem, N.C.; Fargo, N. Dak.; Akron, Barberton, Canton, Celina, Chillicothe, Cleveland, Columbus, Dayton, Elyria, Findlay, Lima, Mansfield, Maple Heights, Marion, Mentor, Milford, N. Olmstead, N. Randall, Obetz, Sandusky, Springfield, Solon, Toledo and Youngstown, Ohio; Allentown, Baden, Bradford, Bridgeville, Chambersburg, Erie, Greensburg, Johnstown, King of Prussia, Langhorne, Media, Middletown, Monroeville, Montgomeryville, North Versailles, Philadelphia, Pittsburgh, Upper Darvy and Washington, Pa.; Anderson, Charleston, Columbia, Fayetteville and Florence, S.C.; Alcoa, Chattanooga, Jackson and Kingsport, Tenn.; Arlington, Beaumont, Brownsville, Dallas, Ft. Worth, Harlingen, Houston, Hurst, Irving, Laredo, Longview, McAllen, Mesquite, Port Ar-

thur, San Antonio, Sherman, Tyler and Wichita Falls, Tex.; Alexandria, Arlington, Hampton, Martinsville, Newington, Newport News, Norkfolk, Petersburg, Portsmouth, Richmond, Roanoke, Springfield and Virginia Beach, Va.; Washington, D.C.; Martinsburg, Morgantown and Parkersburg, W. Va.; Beloit, Brookfield, Fond du Lac, Green Bay, Greendale, Madison, Manitowoc, Milwaukee, Neenah, Racine, Sheboygan, Waukesha, Wauwatosa and West Allis, Wis., for 180 days. Supporting shipper: J. C. Penney Co., Inc., 1301 Ave., of the Americas, New York, N.Y. 10019. Send protests to: Julia M. Papp, Transportation Assistant, Interstate Commerce Commission, 9 Clinton St., Newark, N.J. 07102.

No. MC 138468 (Sub-No. 2TA) filed October 7, 1976. Applicant: BI-COUNTY TRUCKING CO., Route 1, Box 210, Warden, Wash. 98857. Applicant's representative: Charles C. Flower, Suite 2, 303 East D St., Yakima, Wash. 98901. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia and its derivative liquid fertilizers*, from points in Benton County, Wash., to points in Gilliam, Malhuer, Morrow and Umatilla Counties, Oreg., and Benewah, Latah and Lewis Counties, Idaho, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Pacific Supply Co., P.O. Box 107, Pasco, Wash. 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 138875 (Sub-No. 36TA) filed October 8, 1976. Applicant: SHOEMAKER TRUCKING CO., 11900 Franklin Road, Boise, Idaho 83705. Applicant's representative: F. L. Sigloh (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen potatoes*, from processing or storage facilities of Western Idaho Potato Processing Co., Inc., at Nampa, Idaho, to New York, N.Y.; Poughkeepsie, N.Y.; Secacus, N.J.; Scranton, Clarion, Allentown and Sharon, Pa.; Lawrence, Chelsea, Mass.; Waterbury, Conn.; Baltimore, Md.; Alexandria, Va.; Cleveland, Hudson, Dover and Tallmage, Ohio; Fort Wayne and Merrillville, Ind., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Western Idaho Potato Processing Co., Inc., 428 1st St., South, Nampa, Idaho 83651. Send protests to: Barney L. Hardin, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 550 W. Fort St., Box 07, Boise, Idaho 83724.

No. MC 139196 (Sub-No. 11TA) filed October 6, 1976. Applicant: RAY WAGNER AND SON TRUCKING CO., INC., Box 117, Owen, Wis. 54460. Applicant's representative: Ray Wagner (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mink feed*, from Minneapolis, Minn., to points in New York and Pennsylvania, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: David Sather, Vice-President, Heger Company, 2562 E. 7th Ave., North St. Paul, Minn. 55109. Send protests to: Richard K. Shullaw, District Supervisor, Interstate Commerce Commission, 139 W. Wilson St., Room 202, Madison, Wis. 53703.

No. MC 140421 (Sub-No. 11TA) filed October 6, 1976. Applicant: ACTION MOTOR EXPRESS, INC., P.O. Box 29102, New Orleans, La. 70189. Applicant's representative: Sandra H. Roberson (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods, and the return of cans, boxes, cartons, and containers*, from the plantsite of Allen Canning Co., Moorhead, Miss., to points in Alabama, Arkansas, Mississippi, Louisiana, Texas, Tennessee, Georgia, Florida, North Carolina, South Carolina, Virginia, West Virginia and Maryland, and the return of cans, boxes, cartons and containers, from Houston, Tex.; Collierville, Tenn.; New Orleans, La.; and Port Allen, La., Pascagoula, Moorhead, Miss., and Oak Grove, La., under a continuing contract with Allen Canning Company, for 180 days. Supporting shipper: Allen Canning Company, 305 E. Main St., P.O. Box 250, Siloam Springs, Ark. 27261. Send protests to: Ray C. Armstrong, Jr., District Supervisor, 701 Loyola Ave., 9038 U.S. Federal Bldg., New Orlean, La. 70113.

No. MC 142262 (Sub-No. 1TA), filed October 7, 1976. Applicant: BERNARD PAVELKA TRUCKING, INC., Route 1, Glenvil, Nebr. 68941. Applicant's representative: Bradford E. Kistler, Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages* (except in bulk), from Milwaukee, Wis., to Beatrice and Hastings, Nebr., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Bernard DeMars, President, DeMars Distributing Company, P.O. Box 321, Hastings, Nebr. 68901. Send protests to: Max H. Johnston, District Supervisor, 285 Federal Bldg., and Courthouse, 100 Centennial Mall North, Lincoln, Nebr. 68508.

No. MC 142502 TA filed October 6, 1976. Applicant: PAUL O. GREIWAHN, doing business as EMERGENCY CARGO SERVICE, 618 N.W. 86th, Oklahoma City, Okla. 73114. Applicant's representative: Edward W. Smith, 2525 N.W. Expressway, Oklahoma City, Okla. 73221. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Oilfield equipment, parts and supplies, construction machinery parts and supplies, electrical parts and supplies, aircraft parts and supplies and shipments* limited to 2500 pounds per shipment, between Oklahoma City, Gutherie, and El Reno, Okla., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), FOR 180 days. Supporting shippers: CMI Corporation, P.O. Box 1985; and Bird Oil Equipment, LTD, 9103 S. Sunnylane, Oklahoma City, Okla. Sky-Craft Aviation, Inc., P.O. Box 836, El Reno, Okla. 73036. Autoquip Corporation, 1085 W. Industrial Ave., Guthrie, Okla. 73044. Send protests to: Joe Green, District Supervisor, Room 240 Old Post Office Bldg., 215 N.W. Third St., Oklahoma City, Okla. 73102.

PASSENGER APPLICATION

No. MC 141669 (Sub-No. 4TA) filed October 7, 1976. Applicant: BILL'S BUS SERVICE, INC., 6705 Northgate Parkway, Clinton, Md. 20735. Applicant's representative: Harlan E. Mullenax (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and baggage* (employees of Naval Research Lab to and from work), between Hughesville, Md., and the Naval Research Laboratory, Washington, D.C., serving all intermediate and off-route points; from Hughesville over Maryland State Highway 5 to junction Maryland State Highway 301, thence over Maryland State Highway 301 South to St. Charles City, thence proceed on Maryland State Highway 301 North and Maryland State Highway 5 to junction Maryland State Highway 223, thence over Maryland State Highway 223 West to Clinton Shopping Center, thence proceed on Maryland State Highway 223 East to junction Maryland State Highway 5, thence over Maryland State Highway 5 North to junction Interstate Highway 495, thence over Interstate Highway 495 to junction Interstate Highway 295 and thence over Interstate Highway 295 to the Naval Research Laboratory and return over the same route, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: 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: Interstate Commerce Commission, 12th & Constitution Ave., NW., Room 1413, W. C. Hersman, District Supervisor, Washington, D.C. 20423.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-30676 Filed 10-18-76;8:45 am]

[I.C.C. Order No. 177; Rev. S.O. No. 994]

ST. JOHNSBURY & LAMOILLE COUNTY RAILROAD

Rerouting or Diversion of Traffic

In the opinion of Lewis R. Teeple, Agent, the St. Johnsbury & Lamoille County Railroad is unable to transport traffic over its lines because of a strike of certain of its employees.

It is ordered, That: (a) The St. Johnsbury & Lamoille County Railroad being

unable to transport traffic over its line because of a strike of certain of its employees, that line and its connections, are hereby authorized to reroute or divert such traffic via any available route. Traffic necessarily diverted by authority of this order shall be rerouted so as to preserve as nearly as possible the participation and revenues of other carriers provided in the original routing.

(b) *Concurrence of receiving roads to be obtained.* The railroad desiring to divert or reroute traffic under this order shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted, before the rerouting or diversion is ordered.

(c) *Notification to shippers.* Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerounted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic is deemed to be due to carrier disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of this Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exists between them with reference to the divisions of the rates of transportation applicable to said traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) *Effective date.* This order shall become effective at 11:00 a.m., October 5, 1976.

(g) *Expiration date.* This order shall expire at 11:59 p.m., October 19, 1976, unless otherwise modified, changed, or suspended.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., October 5, 1976.

INTERSTATE COMMERCE COMMISSION,
LEWIS R. TEEPLE,
Agent.

[FR Doc.76-30668 Filed 10-18-76;8:45 am]

federal register

TUESDAY, OCTOBER 19, 1976

PART II:

DEPARTMENT OF LABOR

Office of the Secretary

■

MIGRANT AND OTHER SEASONALLY EMPLOYED FARMWORKERS

Comprehensive Employment and Training Programs

DEPARTMENT OF LABOR

Office of the Secretary

[29 CFR Parts 94 and 97]

MIGRANT AND OTHER SEASONALLY EMPLOYED FARMWORKERS

Comprehensive Employment and Training Programs

The Secretary of Labor proposes to revise Title III, section 303 regulations of the Comprehensive Employment and Training Act of 1973, as amended (hereinafter referred to as the Act), Pub. L. 93-203, 87 Stat. 839, and Pub. L. 93-567, 88 Stat. 1845, in order to provide for the implementation of programs funded for Fiscal Year 1977. This proposed document is substantially the same as the regulations published in the FEDERAL REGISTER (40 FR 28980) on July 9, 1975; however, programmatic changes have been made to reflect the experience gained in the first two years and to incorporate changes made in title I regulations published in the FEDERAL REGISTER (41 FR 26334) on June 25, 1976.

The regulations are being published today as proposed Fiscal Year 1977 regulations. Comments are requested on this proposed document until November 1, 1976, after which the comments received will be evaluated and, if warranted, the regulations will be appropriately amended. It is expected that the regulations will be published in final form with an effective date of January 1, 1977. Interested persons are invited to submit comments, data, or arguments to: Assistant Secretary for Employment and Training, United States Department of Labor, 6th and D Streets NW., Washington, D.C. 20213. Attention: Pierce A. Quinlan, Director, Office of Comprehensive Employment Development.

Reporting requirements contained in these proposed regulations are subject to clearance under the Federal Reports Act by the Office of Management and Budget. A copy of any comment relating to reporting requirements may also be sent directly to the Clearance Office Statistical Policy Division, Office of Management and Budget, Washington, D.C. 20503.

A short explanatory statement is provided to describe the substantive amendments proposed for the Fiscal Year 1977 regulations. A description of the amendments follows:

In § 97.203 *Definitions,* the following changes are made:

The definition of "Allocation" has been changed to clarify that it refers to the amount of funds calculated to be used as planning estimates for section 303 programs.

The definition of "manpower services" has been changed to eliminate the services of outreach, intake and assessment, and transportation, as specified in § 97.233.

The definition of "supportive services" has been changed to include transportation.

Section 97.212 has been revised to require the submission of the revised Preapplication for Federal Assistance From (SF 424).

Section 97.213(b)(3)(i)(C)(8) has been revised to give examples of the types of items which may be submitted as evidence of past experience.

Paragraph (b)(4) contains three new assurances (xiv), (xv), and (xvi).

Section 97.214 *Submission of Funding Request,* (c)(1), language has been changed to clarify that copies of the Funding Request shall be submitted to appropriate State and/or area clearinghouses. Language has been added to require applicants to indicate in their Funding Request that the procedures of § 97.214 have been followed:

In paragraph (a)(2)(E), § 97.215 *Review of Funding Requests,* language has been loosened to provide for the higher rating to be awarded to applicants which would operate programs incorporating services at less than or no cost to section 303.

A new paragraph, § 97.215(b)(4) has been added which allows the Secretary to not select an applicant if there is evidence of substantial mismanagement of government funds.

In § 97.216(a)(2) time limitation is added to clarify that the Secretary will notify clearinghouses that submit comments on an application of the selection within seven working days of selection.

In paragraph (b) language has been clarified to allow the Secretary to invite one or more organizations to submit a proposal for a State or area.

In paragraph (d) of § 97.217 *Negotiation of final grant,* a new provision has been added to allow the Secretary to negotiate with any organization in the event that negotiations did not result in any acceptable negotiated grant for a section 303 program in a State or area.

In § 97.219 *Annual competition,* language has been revised to allow the Secretary to determine not to reopen competition. Also, every State or area must be recompeted every two years.

Sections 97.220 and 97.221 *Modifications of Grant Agreement* and *Modification of Comprehensive Manpower Plan* have been combined as § 97.220 and completely revised. The following is a summary of the changes: (1) Modifications of grant agreement and major plan modifications are combined.

(2) A narrative modification is included in the overall definition of major modification.

(3) Language is added restricting modifications being initiated solely to adjust planned performance to meet actual performance.

(4) Language is added to clarify for which items prior approval of the Secretary is required.

(5) Paragraph (b)(3) requires that the revised signature sheet shall be used on all modifications requiring prior approval by the Secretary, which would have an additional block to show the type of modification.

(6) In paragraph (c) minor plan and narrative modifications are combined.

In paragraph (a)(c) of § 97.232 *Eligibility for participation in section 303 programs,* the language regarding participation of aliens has been revised.

A new paragraph (e) has been added which prohibits sponsors from providing services to persons violating the terms of the Farm Labor Contractor Registration Act of 1963, as amended.

In § 97.233 *Types of program activities available* paragraph (c)(iii) has been clarified to indicate that allowances and benefits shall be provided as specified in § 97.256.

Time limitation is removed from § 97.233 because it is covered under § 97.256.

In § 97.233(c)(2)(ii), language has been added to indicate that use of a formula which incorporates the trainee's wage as a factor and fixed unit cost contracting are acceptable methods of reimbursement to private-for-profit employers for extraordinary on-the-job training costs, as long as the reimbursement does not exceed 50 percent of the trainee's entry level wage.

The paragraph in § 97.233 prohibiting direct subsidation of wages for participants placed with private-for-profit employers has been separated and renumbered as (iii).

Section 97.233(e) has been renumbered as (c)(3) and has been revised to further clarify appropriate work experience activities. In addition, a new paragraph has been added regarding periodic review of each work experience participant.

A new § 97.233(c)(3)(viii)(A)(*3*) has been added to include for participants in Federally funded or assisted construction projects, the prevailing rate established by the Secretary in accordance with the Davis-Bacon Act, when such rates are required by the Federal statute under which the assistance was provided.

In § 97.233(c)(4) the services of outreach and intake have been labeled as services to applicants, and paragraphs (i), (ii), (iii), and (iv) have been renumbered. The services of intake, orientation, counseling, and child care have been defined and transportation has been moved from manpower services to supportive services.

In § 97.233(c)(4)(iii) transportation has been moved from manpower services to supportive services.

In § 97.233(c)(4)(iii)(C)(*9*), Adult Basic Education has been removed from supporting services and Referral to non-303 funded services has been added.

In § 97.233(c)(4)(iii)(E) and § 97.233(c)(5)(iii), the words "as the only activity in which the participant is enrolled" have been deleted.

In § 97.236 *Cooperative relationships between sponsor and other manpower agencies,* in paragraph (a), the examples of Job corps and the Employment Service has been inserted. Also, grantees are required to maintain documentation on linkages established.

In § 97.236(b) the requirement to establish cooperative relationships with SESA's is added.

§ 97.237 *Performance Measurement.* A final version of performance measurement has not yet been developed; it will be published at a later date. This proposed regulation is being published

today without § 97.237 in order not to delay the time for public comment on the remainder of this subpart.

In § 97.252 *Audit* two provisions have been added which are different from those in § 98.6(e)(2). Audits shall be conducted every year for section 303 grantees for grants of $25,000 or more.

In § 97.253 *Reporting Requirements*, paragraph (b) a new reporting requirement has been added. Sponsors are required to submit a current list of all CETA participants receiving wages to the SESA's upon request.

In § 97.255–*Allowable Federal Costs*, the language has been revised in paragraph (a) clarifying the definition of direct and indirect costs.

In § 97.255(d), language has been added to require grantees to assure that all subgrantees and contractors plan, control and report expenditures against the six cost categories defined in § 97.255 (e) and plan for unemployment insurance costs to be incurred during the grant year.

In § 97.255(e)(2) the language has been changed to allow grantees to charge the cost of insurance policy premiums incurred to provide comparable insurance to workmen's compensation for classroom training or services to participants' enrollees, to the cost categories of Training or Services.

In § 97.255(e)(4) language has been added to clarify that training costs consisting of goods and services which directly affect participants should be for instruction of participants in either a work environment or classroom.

In § 97.255(e)(6) language has been added to define administration costs as all indirect and direct costs identified with the management of the grant including subgrantee and contractors, and supervision.

In § 97.255(e)(7), language has been added to allow grantees to charge single unit charges to the dominant cost category if the cumulative amount of common charges such as doctor's bills or tuition fees will not exceed $25,000 during the grant year, and clarify that for such charges as tuition fees in excess of the $25,000 for which details cannot be obtained, benefits can be charged to cost categories based on estimates.

In § 97.255(f)(1), Wages, language has been added to specify that cost of living increases are to be considered wages.

In § 97.255(f)(2), Fringe benefits, language has been added to prohibit the charging of cost of living increases to fringe benefits and to require grantees to charge unemployment insurance costs as they are incurred.

In § 97.255(f)(4) Training, the language has been revised to allow grantees to charge the costs of classroom space and utilities, instructor's equipment and clerical support to the cost category of Training.

Section 97.255(f)(5), Services, includes a third category, Services to applicants.

Language is added to give examples of activities included under services to applicants, supportive and manpower services.

In § 97.255(f)(5)(v), Services, language has been added to allow grantees to charge the travel, equipment, space and utilities costs identified with such positions as job developers, counselors, and outreach workers. Additionally, transportation of participants will be an allowable cost under Services.

In § 97.255(g) Travel Costs, language is revised and clarified so that prior approval of the Secretary is not required for section 303 staff and board members if travel is within the section 303 target area or for a Department sponsored conference or meeting.

Section 97.256 *Allowances, wages, general benefits, and working conditions for program participants* has been divided into separate sections so that § 97.256 is titled *Allowances;* § 97.257 is titled *Wages;* § 97.258 is titled *Minimum duration of training; reasonable expectation of employment;* and § 97.259 is titled *General benefits and working conditions for program participants.* Each of these sections has been written out in order to eliminate the need to reference corresponding paragraphs in sections 95 and 98. As a result, § 97.257–97.269 have been renumbered.

In paragraph (b) of § 97.256 *Training allowances*, clarification has been made that allowances shall be paid for classroom training except in cases where waivers have been granted; and allowances may be paid only for participation in activities listed under manpower services, § 97.233(c)(4)(iii)(B), or in other activities.

In § 97.258 *Minimum duration of training; reasonable expectation of employment*, language has been added so that an individual may not be referred for training which requires less than two weeks pre-employment training unless there are immediate employment opportunities available in that occupation.

In § 97.262 *Basic personnel standards for grantees and subgrantees*, a new paragraph (i) is added which requires sponsors to establish as part of their written personnel policies a procedure for resolving staff personnel complaints and allow staff members who have exhausted their employer's administrative complaint with DOL under the provisions of § 97.291.

In § 97.266 *Termination of a grant*, a new paragraph is added which provides that the Secretary may suspend a grantee from being considered for section 303 grant funds for 12 months when there is adequate evidence of illegal use of program funds. Provision is also made for the grantee to respond to written notice of suspension.

In § 97.269, *Program income and limitations on program expenditures*, language was added to paragraph (a)(1) to require grantees to return interest earned from program funds within 30 days of the end of each grant quarter and paragraph (a)(3) to require that non-interest program income be expended according to the appropriate title of the Act.

In § 97.270 *Procurement standards*, a new paragraph (c) has been added to make applicable to non-governmental grantees the definitions of subgrant and contract spelled out in § 98.20.

A new paragraph (d) has been added to require prior approval of the Secretary for purchases of nonexpendable personal property having an acquisition cost of $500 or more and a life of more than one year.

In paragraph (a) of § 97.292 *Procedures for complaints arising from the selection of potential grantees*, a sentence is added to clarify that this does not apply to subjects of negotiation.

Additionally, editorial, stylistic and technical changes are made in this revision.

It is proposed to amend Title 29 as follows:

PART 94—GENERAL PROVISIONS FOR PROGRAMS UNDER THE COMPREHENSIVE EMPLOYMENT AND TRAINING ACT

It is proposed to amend Title 29 as follows:

Section 94.3 of Part 94 is revised by deleting the present Table of Contents for Part 97, Subpart C, and substituting therefor the new Table of Contents for Part 97, Subpart C, so that the revised section reads as follows:

§ 94.3 Consolidated Table of Contents for Parts 94–99.

* * * * *

PART 97—SPECIAL FEDERAL PROGRAMS AND RESPONSIBILITIES UNDER THE COMPREHENSIVE EMPLOYMENT AND TRAINING ACT

SUBPART C—MIGRANT AND OTHER SEASONALLY EMPLOYED FARMWORKER PROGRAMS

GENERAL

Sec.
97.201 Scope and purpose of Title III, Section 303 Programs.
97.202 Scope and purpose of this subpart.
97.203 Definitions.
97.204 Allocation of funds.
97.205 Eligibility for allocable funds.

GRANT PLANNING AND APPLICATION PROCEDURES

97.210 Grant planning and application procedures in general.
97.211 Announcement of State Planning estimates and invitation to submit Funding Requests.
97.212 Preapplication for Federal Assistance.
97.213 Content and description of Funding Requests.
97.214 Submission of Funding Requests.
97.215 Review of Funding Requests.
97.216 Notification of selection.
97.217 Negotiation of final grant.
97.218 Grant award.
97.219 Annual competition.
97.220 Modifications.

PROGRAM OPERATIONS

97.230 General.
97.231 Basic responsibilities of grantees under Section 303.
97.232 Eligibility for participation in Section 303 programs.
97.233 Type of program activities available.
97.234 Complaint procedure.
97.235 Training for lower wage industries; relocation of industries.
97.236 Cooperative relationships between grantee and other manpower agencies.
97.237 Performance measurements.

GRANT ADMINISTRATION
Sec.
97.250 Grant administration in general.
97.251 Private nonprofit organizations; financial management systems.
97.252 Audit.
97.253 Reporting requirements.
97.254 Reallocation of funds.
97.255 Allowable Federal costs.
97.256 Training Allowances.
97.257 Wages.
97.258 Minimum duration of training; expectation of employment.
97.259 General benefits and working conditions for program participants.
97.260 Allocation of allowable costs among program activities.
97.261 Bond coverage of officials.
97.262 Basic personnel standards for grantees and subgrantees.
97.263 Non-Federal status of participants.
97.264 Grantee contracts and subgrants.
97.265 Adjustments in payments.
97.266 Termination of a grant.
97.267 Grant closeout procedures.
97.268 Maintaining and retention of records.
97.269 Program income and limitations on program expenditures.
97.270 Procurement standards.
97.271 Labor standards.
97.272 Allowances and reimbursements for board and advisory council members.

ASSESSMENT AND EVALUATION
97.280 Assessment and evaluation.

ADMINISTRATION REVIEW
97.290 Purpose and policy.
97.291 Procedure for complaints by eligible individuals and program participants.
97.292 Procedure for complaints arising from the selection of potential grantees.

* * * * *

AUTHORITY: Comprehensive Employment and Training Act of 1973, as amended (Pub. L. 93-203, 87 Stat. 839; Pub. L. 93-567, 88 Stat. 1845), secs. 702(a) and 303, unless otherwise noted.

PART 97—SPECIAL FEDERAL PROGRAMS AND RESPONSIBILITIES UNDER THE COMPREHENSIVE EMPLOYMENT AND TRAINING ACT

Part 97, Subpart C is revised to read as set forth below:

* * * * *

SUBPART C—MIGRANT AND OTHER SEASONALLY EMPLOYED FARMWORKER PROGRAMS

GENERAL
97.201 Scope and purpose of Title III, Section 303 Programs.
97.202 Scope and purpose of this subpart.
97.203 Definitions.
97.204 Allocation of funds.
97.205 Eligibility for allocable funds.

GRANT PLANNING AND APPLICATION PROCEDURES
97.210 Grant planning and application procedures in general.
97.211 Announcement of State Planning estimates and invitation to submit Funding Requests.
97.212 Preapplication for Federal Assistance.
97.213 Content and description of Funding Request.
97.214 Submission of Funding Requests.
97.215 Review of Funding Requests.
97.216 Notification of selection.
97.217 Negotiation of final grant.
97.218 Grant award.
97.219 Annual competition.
97.220 Modifications.

PROGRAM OPERATIONS
97.230 General.
97.231 Basic responsibilities of grantees under Section 303.
97.232 Eligibility for participation in Section 303 programs.
97.233 Type of program activities available.
97.234 Complaint procedure.
97.235 Training for lower wage industries; relocation of industries.
97.236 Cooperative relationships between grantee and other manpower agencies.
97.237 Performance measurements.

GRANT ADMINISTRATION
97.250 Grant administration in general.
97.251 Private nonprofit organizations; financial management systems.
97.252 Audit.
97.253 Reporting requirements.
97.254 Reallocation of funds.
97.255 Allowable Federal costs.
97.256 Training allowances.
97.257 Wages.
97.258 Minimum duration of training; reasonable expectation of employment.
97.259 General benefits and working conditions for program participants.
97.260 Allocation of allowable costs among program activities.
97.261 Bond coverage of officials.
97.262 Basic personnel standards for grantees and subgrantees.
97.263 Non-Federal status of participants.
97.264 Grantee contracts and subgrants.
97.265 Adjustments in payments.
97.266 Termination of a grant.
97.267 Grant closeout procedures.
97.268 Maintaining and retention of records.
97.269 Program income and limitations on program expenditures.
97.270 Procurement standards.
97.271 Labor standards.
97.272 Allowances and reimbursements for board and advisory council members.

ASSESSMENT AND EVALUATION
97.280 Assessment and evaluation.

ADMINISTRATIVE REVIEW
97.290 Purpose and policy.
97.291 Procedure for complaints by eligible individuals and program participants.
97.292 Procedure for complaints arising from the selection of potential grantees.

AUTHORITY: Comprehensive Employment and Training Act of 1973, as amended (Pub. L. 93-203, 87 Stat. 839; Pub L. 93-567, 88 Stat. 1845), secs. 702(a) and 303, unless otherwise noted.

Subpart C—Migrant and Seasonally Employed Farmworkers programs

GENERAL

§ 97.201 Scope and purpose of Title III, section 303 Programs.

(a) It is the purpose of Title III section 303, of the Act to provide manpower and other services for those individuals who suffer chronic seasonal unemployment and underemployment in the agriculture industry, which has been substantially affected by recent advances in technology and mechanization. These individuals constitute a substantial portion of the nation's rural manpower problem and substantially affect the entire national economy.

(b) Because of the special nature of the problem faced by migrant and seasonal farmworkers, the programs developed and implemented under this section of the Act shall be administered by the Employment and Training Administration at the national level. Such programs will be flexible in design and shall have these primary objectives:

(1) *Alternatives to agricultural labor.* Provision of services to migrant and other seasonally employed farmworkers and their families who wish to seek alternative job opportunities to seasonal farmwork which will equip them to compete in other labor markets and to secure stable year-round employment providing an income above the poverty level.

(2) *Improved agricultural life style.* Provision of services necessary to improve the well-being of migrants and other seasonally employed farmworkers and their families who remain in the agricultural labor market and/or to upgrade their skills to enable them to take advantage of job opportunities created by changing agricultural technology.

§ 97.202 Scope and purpose of this subpart.

(a) The regulations promulgated to carry out the Act are set forth in 29 CFR Parts 94-99 as published in the FEDERAL REGISTER on May 23, 1975 (40 FR 22674). As each substantive title of the Act provides for the establishment of a specific type of program, the regulations promulgated in Parts. 94 through 99 provide a separate part for each basic type of activity, and two parts deal with general matters relating to the Act. This subpart deals with all matters pertaining to the implementation and operation of Migrant and Seasonal Farmworker Programs pursuant to section 303 of the Act. It is designed to contain in itself all the regulatory material under the Act necessary for the operation of section 303 programs except where specific reference is made to other parts of this title. When the provisions of this subpart conflict with the provisions of other regulations under the Act, the provisions of this subpart shall prevail.

(b) Statutory authority for the regulations contained in this Subpart C may be found in sections 303 and 702(a) of the Act, as amended as well as in other substantive provisions of the Act.

§ 97.203 Definitions.

A listing of definitions of terms used in the regulations promulgated to implement the Act is set forth in § 94.4 of this subtitle. Those definitions applicable only to section 303 or having special significance to section 303 are the following:

"Allocation" shall mean the amount of funds calculated in accordance with section 97.204 of this subpart to be used as planning estimates for section 303 programs in each State and distributed in accordance with the requirements of this subpart.

"Appropriate amount" for the purposes of committing Title I and/or II funds for farmworkers shall mean an amount proportional to the significance of the farmworkers in the prime sponsor's population; for example, the amount whose ratio to the total Title I funds available to the prime sponsor is equivalent to the ratio of the number of farmworkers to the total number of low-income workers in the prime sponsor's jurisdiction.

"Eligible Applicant," for purposes of receiving funds allocable pursuant to § 97.204(c) of this title, shall mean:

(a) A recognized prime sponsor under CETA Title I having within its jurisdiction a significant segment of migrant and other seasonally employed farmworkers for whom it has committed funds provided under Title I and/or II of the Act in an appropriate amount; or a public agency designated by such prime sponsor to receive section 303 funds;

(b) A private nonprofit organization authorized by its charter or articles of incorporation to provide manpower or such other services as may be funded under this subpart.

"Emergency assistance" shall mean temporary services on an emergency basis which are not immediately available from non-section 303 sources.

"Establishment" shall mean an economic unit, generally at a single physical location, where business is conducted (For example: Farm, orchard, ranch). For the purposes of the "seasonal farmworker" definition, farm labor contractors and crew leaders are not considered establishments; it is the organizations to which they supply the workers that are the establishments.

"Family" shall mean one person, or more than one person living in a single household who are related to each other by blood, marriage, or adoption. A stepchild or foster child who receives at least 50 percent of his/her support from the stepparent or foster parents shall be counted as a member of the stepparent's or foster parents' family. A member of a household:

(1) Who is 18 or older, and

(2) Who receives less than 50 percent (50%) of his/her maintenance from the family, shall not be considered to be a member of the family. Such an individual shall be considered as a family residing alone or in group quarters.

"Farmwork" shall mean work performed for wages in agricultural production or agricultural services (as defined in the most recent edition of the Standard Industrial Classification (SIC) Code definitions included in industries 01, 02 (excluding 027), and 07 excluding 074, 0752, 0761, and 078).

"Farmworker organization" shall mean a private nonprofit organization directed principally by farmworkers.

"Funding request" shall mean a formal proposal submitted by an applicant which detail the type and extent of services to be provided to farmworkers and their dependents for consideration by the Secretary for funding under section 303.

"Health care" shall include but is not limited to preventive and clinical medical treatment for farmworkers and their dependents.

"Manpower services" shall mean such services as (a) orientation; (b) counseling; (c) job development; (d) referral; (e) job placement; (f) followup.

"Migrant farmworker" shall mean a seasonal farmworker who performs or has performed during the preceding twelve months agricultural labor which requires travel such that the worker is unable to return to his/her domicile (accepted place of residence) within the same day.

"Nutritional assistance" shall mean services including but not limited to assisting farmworkers and their dependents to obtain food stamps and vouchers, access to other food programs, fair hearings and limited direct cash purchases of food.

"Planning estimates" shall mean the preliminary allocations announced for the purpose of providing target funding levels for each State.

"Relocation assistance" shall mean the activities necessary to arrange for a family to move to a new abode for the purpose of receiving services and/or training which will lead to alternative job opportunities to seasonal farmwork. Activities may include but are not limited to: Necessary manpower services; the costs of the actual transfer of goods and property including mileage for the families' travel; emergency assistance; rent subsidies; and other supportive services.

"Residential support" shall mean the provision of temporary housing for families receiving training, supportive services, or post-placement services. The grantee may offer such housing in several ways including but not limited to directly operating a residential facility with all necessary services or through the grantee's subsidizing all or part of the rental and utility costs for an enrolled family.

"Seasonal farmworker" shall mean a person who during the preceding twelve months worked at least 25 days in farm work and worked less than 150 consecutive days at any one establishment. "Seasonal farmworker" includes both migratory and nonmigratory farmworkers, but does not include nonmigratory individuals who are full-time students or supervisors or other farmworkers.

"Section 303" shall mean the Migrant and Seasonal Farmworker Programs, section 303, Title III of the Comprehensive Employment and Training Act of 1973 (Pub. L. 93-203, 87 Stat. 839).

"State" includes the Commonwealth of Puerto Rico.

"Supportive Services" shall mean such services as health and medical service, child care, transportation, emergency assistance, relocation assistance, residential support, nutritional services, and legal services, designed to improve the well being of those remaining as seasonal farmworkers as well as such services described in § 94.4(ddd) of the subtitle.

"Target area" shall mean a geographic area to be served by a section 303 grant. Such an area may be a county, multicounty area, a state, or a multi-state area.

"Target population" shall mean farmworkers and their dependents who meet § 97.232.

§ 97.204 Allocation of funds.

(a) *Available funds.* For the purpose of implementing this subpart and pursuant to section 303 of the Act, the Secretary shall reserve, from funds available for Title III programs, funds to serve migrants and other seasonally employed agricultural workers in an amount equal to not less than 5 percent of the amount allocated pursuant to section 103 (a) (1) of the Act.

(b) *National Account.* (1) No more than twenty percent (20%) of the statutory reserve for section 303 activities will be set aside for the National Account, to be used at the discretion of the Secretary for experimental programs; clearing house activity; labor market information; interstate programs; special needs, including but not limited to projects such as permanent housing; programs to meet the needs of emergency situations and changing agricultural technology; and other programs.

(2) Funds from the National Account may be obligated by the Secretary by means of either contracts or grants to private nonprofit agencies or contracts to private profit making organizations. National Account funds obligated to states and local units of government shall be awarded through grants.

(3) The Secretary shall fund programs from the National Account according to procedures deemed advisable by the Secretary, but all National Account programs shall include performance standards specifically designed for those programs.

(4) The provisions of this Subpart C apply in their entirety to programs funded from the National Account, with the exception of §§ 97.205, (Eligibility for Allocable Funds), 97.211 (Allocations), 97.213-97.215 (Selection of Potential Grantees) and paragraph (b) of § 97.237 (Performance Measurements).

(c) *State allocations (allocable funds).* (1) No less than eighty percent (80%) of the funds reserved for section 303 activities shall be allocated for farmworker programs in individual states in an equitable manner using the best-data available as determined by the Secretary.

(2) *Hold harmless clause.* No state shall be allocated an amount which is less than 90 percent of the amount of allocable section 303 funds obligated in the prior fiscal year for use in that state. If during any fiscal year the appropriation for section 303 is less than that appropriated in the previous fiscal year, the Secretary reserves the right to suspend the provision's of paragraphs (c) (1) and (2) of this section.

(3) *Allocation Exceptions.* (i) The Secretary reserves the right not to allocate any funds for use in a State whose allocation is less than $50,000. The Secretary will announce which state(s) will not be allocated funds on or about July 1 of each fiscal year. If the State allocation would be an amount less than

$50,000, the Secretary may allocate $50,000 for programs in that State.

(ii) Currently funded programs which are unsuccessful applicants for grant funds shall be given notice of termination and at least ninety-days lead time to phase out their operations, but such notice will not bind the Secretary to obligate additional funds. The notification of non-selection shall be the notice of termination and the requirements of § 97.267 are to be followed.

(4) *Funding cycle.* All projects funded through State allocations shall be funded beginning January 1 of each year in accordance with the following funding cycle:

(i) On or about July 1: Announcement of State planning estimates and the invitation to submit Funding Requests for State(s) or area(s) open for competition as provided in § 97.219.

(ii) August 1: Deadline for submission of Preapplication Forms for Federal Assistance forms (3 p.m., e.d.t.).

(iii) September 1: Deadline for submission of Funding Requests (3 p.m., e.d.t.).

(iv) On or about November 1: Notification of selection as potential grantees.

(v) January 1: Commencement of grant awards.

If the Secretary deems it advisable to alter the funding cycle provided herein a revised funding cycle shall be published in the FEDERAL REGISTER on or about July 1 of any fiscal year.

§ 97.205 Eligibility for allocable funds.

The following organizations and units of government shall be eligible to receive allocable funds available under section 303:

(a) A recognized prime sponsor under CETA Title I having within its jurisdiction a significant segment of migrant and other seasonally employed farmworkers for whom it has committed funds provided under Title I and/or II of the Act in an appropriate amount; or a public agency within such a prime sponsor's geographic boundaries designated by that eligible prime sponsor to receive section 303 funds in its place.

(1) An applicant eligible under paragraph (a) of this section which wishes to apply for consideration for grant funds to operate programs in an area outside the area in which it is eligible to operate under CETA Title I may do so only with the concurrence of the Title I prime sponsor for that area so affected. Such concurrence may be accomplished by means of an agreement that provides for a subgrant from the applicant prime sponor to the affected Title I prime sponsor or by letter from the affected prime sponsor authorizing the applicant prime sponsor to operate programs in the affected area.

(b) A private nonprofit organization authorized by its charter or articles of incorporation to provide manpower or such other services as are permitted by this subpart.

(c) An organization which wishes to be considered for grant funds to operate programs in more than the State shall submit separate Funding Requests for each state for which it wishes to be considered for funding. An applicant eligible under paragraph (a) of this section which wishes to operate programs in an area outside of its State may do only with the concurrence of the Title I prime sponsor for that area.

GRANT PLANNING AND APPLICATION PROCEDURES

§ 97.210 Grant planning and application procedures in general.

Section 97.210–07.220 provide procedures for obtaining and modifying a grant to operate programs under section 303 of the Act. Specifically, these sections describe the procedures in the grant award process from the announcement of invitation to submit Funding Requests, through the grant application process, to review by the Department and approval of the grant.

§ 97.211 Announcement of State planning estimates and invitation to submit Funding Requests.

(a) *Announcements.* (1) *State planning estimates.* On or about July 1 of each fiscal year the Secretary shall announce State planning estimates of resources available to implement section 303 programs.

(2) *States or areas open for competition under section 303.* On or about July 1 of each fiscal year the Secretary shall announce a list of States and/or areas open for competition under section 303 as provided in § 97.219.

(3) *Invitation to submit funding requests.* On or about July 1 of each fiscal year, the Secretary shall invite applicants as defined in § 97.203 interested in receiving funding under section 303 to submit a Funding Request. The invitation will cover only those areas designated by the Secretary as open for competition.

(4) These announcements shall be made in the FEDERAL REGISTER and through the appropriate Regional Administrator for Employment and Training.

(b) *Intention to apply.* (1) Any eligible applicant intending to apply for funds from a State allocation must submit a Preapplication for Federal Assistance form to the Secretary by August 1, of each fiscal year.

(c) *Opportunity for review and comment:* (1) On or about August 20 of each fiscal year, the Secretary shall publish in the FEDERAL REGISTER a list of all eligible applicants which have submitted preapplications for all or part of each State allocation: (2) Eligible applicants wishing to review and comment on the Funding Request of any eligible applicant within their State as listed in the FEDERAL REGISTER pursuant to paragraph (c) (1) of this section must request a copy of the Funding Request from the eligible applicant so listed.

(3) Eligible applicants submitting a Funding Request to the Secretary to be considered for all or part of a State's allocable funds must send a copy of the Funding Request to all other eligible applicants within the State which have requested a copy of the Funding Request pursuant to paragraph (c) (2) of this section.

(4) These copies must be submitted to requesting organizations as the same time the Funding Request is submitted to the Secretary. Funding Requests sent by mail to requesting organizations pursuant to paragraph (c) (2) and (3) of this section shall be sent by registered or certified mail with return receipt requested or if a Funding Request is delivered by hand, the recipient eligible applicant shall provide a written receipt bearing the time and date of delivery.

(5) Comments of Funding Requests shall be submitted to the Secretary at the address provided in § 97.214, within 30 days of receipt of the Funding Request, but no later than October 8, of each fiscal year. A copy of all comments must also be sent to the concerned eligible applicant by registered mail at the same time.

§ 97.212 Preapplication for Federal Assistance.

(a) An applicant eligible to receive allocable funds available under section 303 shall submit a preapplication to the Secretary. The preapplication shall consist of Standard Form 424 as prescribed by Federal Management Circular (FMC) 74–7, with an attachment identifying the target area by State and Counties.

(b) Preapplication for Federal Assistance form, Part I, shall be submitted to the offices identified in § 97.214 (a) and (b). If an organization does not submit a Preapplication for Federal Assistance form by August 1, its Funding Request shall not be considered.

§ 97.213 Content and description of Funding Request.

(a) *General.* (1) This section describes the Funding Request forms which applicants shall use to apply for funds under section 303.

(2) Forms and instructions are contained in the Forms Preparation Handbook and its section 303 supplement and are available from the Secretary upon request.

(3) The Funding Request consists of four parts: The application for Federal Assistance; the Eligibility documentation; the Comprehensive Plan for Farmworkers; and the Assurances and Certifications form.

(b) *Funding Request forms.* (1) *Application for Federal Assistance.* This identifies the applicant and the amount of funds requested. It provides information concerning the area to be served and the number of farmworkers expected to benefit from the program. The form provided in Federal Management Circular 74–7, Part I, grant application for nonconstruction programs, shall be used with such other forms, as may be required.

(2) *Eligibility documentation.* The following documents shall be submitted by an applicant to meet the eligibility requirements for section 303.

(i) A statement indicating the legally constituted authority under which the organization functions;

(ii) An employer identification number from the Internal Revenue Service; and, for private nonprofit applicants, proof of their tax-exempt status;

(iii) A certification by the chief fiscal officer of a public organization or by a CPA for private nonprofit organizations attesting to the adequacy of the applicant's accounting system, if applicable (refer to § 97.251 to determine applicability);

(iv) A copy of the Comprehensive Manpower Plan component which describes CETA Titles I and/or II services to be made available to farmworkers for the fiscal year for which funds are requested (for CETA prime sponsor applicants only) pursuant to § 97.205(a).

(v) Documentation of concurrences from affected prime sponsor(s), as described in § 97.205(a) (for CETA prime sponsor applicants only).

(3) *Comprehensive Plan for Farmworkers.* The Comprehensive Plan for Farmworkers is a detailed explanation of how the applicant proposes to use section 303 funds for farmworkers within its target area. Upon incorporation into the grant agreement, the amended Comprehensive Plan for Farmworkers will become the basis for programmatic and fiscal accountability of the section 303 grant. The Comprehensive Plan for Farmworkers consists of the Narrative Description of the Program, the Program Planning Summary, and Budget Information Summary described below:

(i) *Narrative description of program.* The Narrative Description of the Program analyzes the manpower and social problems of the target population within the target area to set priorities and goals, describes proposed program activities and delivery systems to meet those goals, proposes performance standards for all program activities, and projects the results which may be expected from the program. The Narrative Description of the Program requires a detailed justification and description of each program activity, including the following specific items (the Forms Preparation Handbook is a guide for completing these items):

(A) Objectives and needs for assistance:

(*1*) Policy statement on purpose of program;

(2) Description of economic conditions;

(*3*) Analysis of labor market and social service situation;

(*4*) Statement of number of farmworkers and dependents to be served; and

(*5*) Goals and priorities.

(B) Program design and results expected:

(*1*) Statement of strategy for accomplishing goals;

(*2*) Detailed description of each program activity and service, including costs, manner of delivery, specific objectives, and performance standards; and

(*3*) Enumeration of objectives and performance standards related to goals identified in Part A of the Narrative Description of Program.

(C) Approach:

(*1*) Description of the planning system, participation of and role of the governing board or advisory councils in planning and implementation;

(*2*) A copy of the by-laws or other official documents showing the structure of pertinent Boards, Area Councils, or Advisory bodies;

(*3*) Description of the delivery system;

(*4*) Description of recruitment and eligibility verification methods;

(*5*) Description of the applicant's administrative system;

(*6*) Resumes of key management staff;

(*7*) Justification of section 303 funded administrative costs as defined in § 97.255, in excess of 20 percent;

(*8*) Documentation of past experience including, but not limited to, the following:

(i) reports both programmatic and financial, submitted to agencies to which the applicant is accountable for program performance;

(ii) names and telephone numbers of responsible officials who can substantiate any narrative assertions of past experiences;

(iii) evaluations, assessments, reports, letters, etc., compiled by organizations other than the applicant;

(iv) a statement for all documentation giving the relationship between the applicant and other organization(s) involved; and

(*9*) A description of linkages with other manpower programs, other social service programs, and farmworker organizations, including letters of commitment for all services to be provided section 303 participants at no cost to section 303.

(D) Geographic location served. Description of the geographic locations within the target area in which the applicant has operated and in which the proposed program will operate, and in which it will recruit and refer participants.

(E) Detailed Budget. For each program activity, section 303 grantees will be required to submit an itemized budget of allowable costs, as defined in §§ 97.255 and 97.260. The CETA and the non-CETA share of the total costs shall be noted for each program activity. For all section 303 funds requested, personnel and nonpersonnel costs shall be itemized for each program activity proposed and for the cost category of administration. This itemization shall include individual operational staff salaries, staff fringe benefits, staff travel, equipment purchases, etc.

(ii) *Program planning summary.* The Program Planning Summary requires an applicant to provide a quantitative statement of enrollment levels, the number of participants to be served by each program activity (classroom training, on-the-job training, work experience, services to participants, and other activities), and outcomes for program participants. It also requires identification of the number of individuals to be served within the target population.

(iii) *Budget information summary.* The Budget Information Summary requires an applicant to provide a quantitative statement of planned expenditures and obligations. It requires an applicant to indicate yearly planned expenditures by cost category (administration, allowances, wages, fringe benefits, training, and services); the applicant is to reflect planned quarterly obligations and expenditures by program activity.

(*4*) *Assurances and certifications.* The Assurances and Certifications form is a signature sheet on which the applicant assures and certifies that it will comply with the Act, the regulations of the Department, other applicable laws, and applicable Federal Management Circulars from the General Services Administration (GSA). Signature of the Assurances and Certifications form by private nonprofit section 303 Eligible Applicants and Grantees shall mean that section 303 funds shall be expelled in compliance with Federal Management Circulars 74–4 and 74–7; provided that if a Federal Management Circular applicable to the administration of grants to non-profit organizations becomes effective before the grant period, such Circular shall supersede any provisions of FMC 74–4 and 74–7 (made applicable to private nonprofit organizations by this subpart) which conflict with the provisions of such Circular. The Assurances and Certifications form is contained in the Forms Preparation Handbook. The following is a summary of the items which are described in detail on that form:

(i) Compliance with the Act and regulations issued under the Act

(ii) Compliance with Federal Management Circulars 74–4 and 74–7 and OMB Circular A–95;

(iii) Legal authority to apply for a section 303 grant;

(iv) Nondiscrimination (section 703 (i));

(v) Compliance with Title VI and VII of the Civil Rights Act of 1964;

(vi) Compliance with the Uniform Relocation Assistance and Real Property Acquisitions Act of 1970;

(vii) Compliance with the Hatch Act and restrictions on political activities (as applicable);

(viii) Prohibition on use of position for private gain;

(ix) Access of Comptroller General and Secretary to records and documents pertaining to the Act;

(x) Nonsupport of religious facilities;

(xi) Maintenance of required health and safety standards;

(xii) Position of appropriate worker's compensation to participants;

(xiii) Use of funds under the Act to supplement rather than supplant funds otherwise available, prohibition on displacement of employed workers by participants employed under the Act, and prohibition on impairment of existing contracts for services;

(xiv) Prohibition of use of funds for lobbying activities in violation of 18 USCA 1913.

(xv) Compliance with Department of Treasury Regulations found at 31 CFR 205.

(xvi) Compliance with the provisions in the Clean Air Act and Federal Water Pollution Control Act.

§ 97.214 Submission of Funding Request.

(a) An eligible applicant shall submit three copies of the Funding Request to the address listed below:

U.S. Department of Labor
Employment and Training Administration
Patrick Henry Building—Room 7122
601 D Street NW.
Washington, D.C. 20213
ATTN: Chief, Division of Farmworker Programs

(b) Two copies of the Funding request shall also be submitted directly to the appropriate Regional Administrator for Employment and Training Administration at the same time the three copies are submitted to the above address and labeled: Funding Request for CETA 303 Farmworker Program.

(c) (1) Copies of the Funding Request shall also be submitted to the appropriate State and/or area clearinghouse(s), as well as to those eligible applicant(s) which request an opportunity for review and comment as provided in § 97.211(c) at the same time the Funding Request is submitted to the above address. Eligible applicants shall send a statement to the above address accompanying the Funding Request, indicating that the procedures in this paragraph have been followed.

(2) All comments from clearinghouses and other reviews shall be submitted to the above address by October 8. However, no notification of selection of potential grantee(s) for a State or area will be made until all clearinghouses and other reviews have had at least 30 days from receipt of the Funding Request from that State or area to submit comments.

(d) Funding Requests sent by mail to the address provided in paragraphs (a) and (c) of this section must be registered or certified with return receipt requested. In order to be considered to be submitted on time by the Employment and Training Administration, the following conditions must be met:

(1) The Funding Request must be registered or certified by the Postal Service on or before 3 p.m. September 1. In the event that September 1 falls on a Sunday, on a holiday, or at any other time during which the Postal Service is not operational, it shall be the responsibility of the applicant to properly register and certify the Funding Request so that it will bear a post mark prior to 3:00 p.m. September 1. No deviation in this condition will be made by the Manpower Administration, and all Funding Requests received bearing postmarks after 3:00 p.m. September 1, shall be returned without consideration.

(e) Funding Requests delivered by hand must be taken to the address given in paragraph (a) of this section. All applicants who deliver a Funding Request will be given a receipt bearing a time and date of delivery. Funding Requests will be accepted daily between the hours of 8:15 a.m., and 4:45 p.m., Washington, D.C. time, except Saturdays, Sundays, and holidays. Funding Requests will not be received after 3 p.m., e.d.t., on September 1. In the event that September 1 falls on a Saturday, Sunday or, holiday, it shall be the responsibility of the applicant to deliver the Funding Request so that it will be received prior to 3 p.m., e.d.t., September 1. No deviation in this condition will be made by the Employment and Training Administration and no Funding Request delivered after 3 p.m., e.d.t., September 1 shall be accepted.

§ 97.215 Review of Funding Requests.

(a) *Standards for reviewing Funding Requests for allowable funds.* Funding Requests submitted by applicants shall be reviewed and evaluated by the Secretary to determine those judged to be most qualified to receive a grant under section 303 for program operations in a particular target area according to the procedures outlined in paragraph (a) of this section. In addition, when appropriate under section 306 of the Act. Funding Requests shall be reviewed by the Secretary of the Department of Health, Education, and Welfare (DHEW) or his/her designee in accordance with section 306 of the Act.

(1) *Determination of eligibility.* The Secretary shall review the documentation described in § 97.213(b)(2) to determine the eligibility of each applicant and shall: (i) Designate the organization as eligible under section 303; or (ii) determine that the organization is conditionally eligible pending submission of further documentation; or (iii) determine that the organization is ineligible under section 303. An organization determined to be ineligible shall not be reviewed further.

(2) *Review of Comprehensive Plan for Farmworkers.* The Comprehensive Plans for Farmworkers submitted by applicants shall be reviewed and evaluated by the Secretary to determine those applicants which will be designated potential grantees for a particular target area.

(i) Factors for evaluating Plans. Plans shall be evaluated by the Secretary based on the criteria listed in this paragraph.

(ii) Each of the following factors is assigned a numerical range which shall be used to rank Plans. A separate rating within the identified range for each factor shall be assigned to each Plan based on information provided in the Plan. The sum of the ratings shall constitute the overall rating of the Plan. The following factors shall be considered in assigning ratings:

(A) *Program development.*—Range 0–10. The program development factor is a rating of the proposed program's potential impact on the full range of farmworker needs and its fulfillment of the intent of section 303. The rating will consider the following elements:

(*1*) *Training.* The proposed program provides alternatives for farmworkers to leave farmwork by offering training in a number of occupations providing a wage above the poverty level into which participant can be successfully placed within the existing economic and labor market conditions in the target area. The proposed program provides alternatives for farmworkers to secure full time argriculture work providing an income above the poverty level.

(*2*) *Services.* The proposed program provides supportive services which are necessary to assist farmworkers in leaving seasonal farmwork and/or provides services which will improve the living and working conditions of farmworkers remaining in agriculture.

(*3*) *Program impact.* The proposed program will directly impact on the problems and needs of farmworkers in the particular target area. The highest rating of 10 shall be awarded to an organization which has adequately analyzed the economic situation of the target area and identified the social and economic needs of the target population, and has developed a program based on this analysis and identification, which provides service including training and supportive services that can be successfull implemented within the existing target area economic and labor market situations to meet these needs.

(B) *Delivery system—Range* 0–10. The delivery system factor is a rating of the applicant's system for delivering the comprehensive program services and its potential ability to provide effective and timely services to farmworkers. This rating shall include the potential effectiveness of subgrantees and contractors in providing services specifically for farmworkers.

(*1*) The highest rating of 10 shall be awarded to an organization whose delivery system is efficiently integrated and whose subgrantees' and contractors' delivery systems are coordinated with the applicant's into a functioning unit.

(C) *Administrative capability.—Range* 0–10. The administrative capability factor is a rating of the applicant's management experience and efficiency. The rating shall include consideration of the managerial expertise of the organization's present and proposed staff in managerial and decisionmaking positions. This factor shall also consider administrative efficiency based on comparative administrative cost. The highest rating of 10 shall be awarded to organizations which can demonstrate the capability to administer efficiently a multi-activity delivery system with comparatively low administrative costs.

(D) *Responsiveness to farmworkers.—Range* 0–10. The responsiveness to farmworkers factor is a rating of the organization's active and visible involvement of farmworkers in its planning and the proposed involvement of farmworkers in implementation of its proposed program of services. The rating will also consider the sensitivity of the organization's present and proposed staff in program positions. The rating will consider the following elements:

(*1*) *Involvement of Farmworker Boards/Advisory Councils.* This factor is a rating of the involvement of farm-

workers on applicant's governing boards and advisory councils in the planning, implementation and operation of the proposed program. This involvement shall be manifested by the responsibilities incorporated in the board's or advisory council's by-laws and the farmworker representation on these bodies. The highest rating of seven shall be awarded to organizations whose boards or advisory councils have responsibility for reviewing and making recommendations on section 303 plans, monitoring section 303 program operations, recommending corrective action, and having established mechanisms for effecting necessary corrective actions, and whose membership includes farmworkers.

(2) *Staff sensitivity.* The sensitivity factor is a rating of the ability of the organization's staff to relate to farmworkers and be responsive to their needs. The highest rating of 3 shall be awarded to those organizations whose staffing includes ex-farmworkers and reflects the ethnic, racial, and sexual composition of the target population.

(E) *Linkages and coordination.—Range 0–10.* The linkages and coordination factor is a rating of an organization's demonstrated and documented programmatic ties with appropriate State and local agencies, private nonprofit organizations, and other groups providing resources and services to farmworkers. The highest rating of 10 shall be awarded to applicants which would operate programs incorporating services at less than, or no cost to section 303 from other agencies for the purpose of providing manpower and other services to participants and whose Funding Request includes letters of commitment for these services.

(F) *Review of experience.*—Range 0–50. The organization's past experience in providing a comprehensive program of manpower and other services shall be reviewed and evaluated by the Secretary to determine those judged to be most qualified to receive a grant under section 303 for program operations in a particular target area. A numerical range of 0–50 shall be used to rank the experience of applicants.

(1) *Existing section 303 grantees.* For existing section 303 grantees competing as eligible applicants, the review of experience will be based on the record of performance in delivering section 303 services. The Secretary shall review and evaluate the grantee's performance through review of reports, monitoring and/or auditing of the program. The highest rating of 50 may be awarded to a grantee which has provided an effective program of services for farmworkers; the factors in this ratio shall include but not be limited to (A) exceeding all of the individual grant performance standards in its Comprehensive Plan for Farmworkers; (B) meeting planned performance levels on its Program Planning Summary, and Budget Information Summary for the prior fiscal year (or on its Project Operating Plan); and (C) having met the requirements for program operations and grant administration of this Subpart C.

(2) *Other eligible applicants.* For applicants who are not section 303 grantees, the review of experience will be based on information submitted in the Funding Request. In order to receive a rating for experience, an applicant must have adequately identified the funding source(s) to which it was accountable. The assertions of success should be adequately substantiated and documented in the Funding Request, including official evaluations, if available. The Secretary reserves the right to verify the information submitted in the Funding request and to obtain additional information if the information submitted is not adequate for the purpose of this review. The following factors shall be considered in assigning ratings:

(A) *Program experience, regardless of nature of clientele.—Range* 0–40.

(1) The organization has operated an effective comprehensive program of services, including but not limited to the program activities and supportive services described in paragraphs (c) through (g) of § 97.233.

(2) The organization has provided training and other manpower services effectively.

(3) The organization has met the stated objectives for program performance of all program activities it has provided.

(4) The organization has effectively administered a multi-activity delivery system, if applicable.

(5) The administration and management of the program has conformed to acceptable management standards, including but not limited to those set forth in the Grant Administration sections of this Subpart C and Part 98 of this subtitle.

(B) *Farmworker experience.—Range* 0–10. The organization or its subgrantee(s) has provided services specifically for farmworkers. A maximum rating of 10 shall be awarded for farmworker clientele. The highest rating of 50 shall be awarded to an organization which has operated a comprehensive multi-activity program of manpower and other services, whose assertions of effectiveness are supported by individuals from the funding source(s) and/or by an official evaluation, and has served farmworkers. The highest rating of 50 shall also be awarded to prime sponsors whose experience meets the standards presented above and whose subgrantees include farmworker organization(s).

(b) *Selection of potential grantees.* (1) As a result of the procedures set forth in paragraph (a) of this section, of consideration of the potential effectiveness and efficiency of the proposed programs, and of comments received pursuant to § 97.214(c), the Secretary shall designate potential grantees to receive a grant under section 303 for program operations in a designated target area. The consideration of the potential effectiveness and efficiency of the proposed programs includes but is not limited to the following: (i) cost effectiveness, and (ii) service delivery consideration.

(2) The Secretary may conditionally designate organizations as potential grantees pending resolution of their eligibility status, submission of additional documentation, or changes in the proposed program.

(3) The Secretary also reserves the right to defer designation of any organization which has submitted a Funding Request for a state or area or to invite the submission of new proposals. Such designations will be deferred pending (i) adequate time to consider performance of current CETA section 303 applicants, or (ii) timely and satisfactorily correction of deficiencies by applicants in their current CETA section 303 programs.

(4) The Secretary reserves the right to not select an applicant if there is evidence of mismanagement of goverment funds.

§ 97.216 Notification of selection.

(a) (1) Potential grantees selected as a result of the procedures set forth in § 97.215 shall be so notified by the Secretary. The notification shall invite each potential grantee to negotiate the final terms and conditions of the grant, shall establish the time and place of the negotiation, and shall indicate the State or area to be covered by the grant. Changes in the proposed program's target area and/or funding level are not appealable under the provision of §§97.290–97.292.

(2) Clearinghouses submitting comments on the application will be notified of the selection of the potential grantee within seven working days of selection. Where a clearinghouse has recommended against the selection of the potential grantee, the notification shall include an explanation as to the reasons why its substantive comments were not accepted.

(b) In the event that no Funding Requests are received for a specific State or area or that those received are deemed to be unacceptable, for where a grant agreement is not successfully negotiated, the Secretary reserves the right to invite one or more organizations to submit a proposal for that State or area. In the event of a second invitation, the review criteria for allocable funds need not apply, and funds may be awarded at the discretion of the Secretary.

(c) An applicant whose Funding Request is not selected by the Secretary to receive section 303 grant funds shall be notified in writing and shall be provided the names and addresses of potential grantees for its State.

(d) Applicants who submit Funding Requests which have been rejected may resubmit a new Funding Request when the State(s) or area(s) in which they are interested in providing services is announced by the Secretary as open for recompetition.

(e) Any applicant whose Funding Request is considered and rejected by the Secretary for a section 303 grant may request an administrative review as provided in § 97.290 and § 97.292.

§ 97.217 Negotiations of final grant.

(a) Notice of selection as a potential grantee does not constitute approval of the totality of the Funding Request, the funding level sought, nor of the target area requested.

(b) Prior to the actual award of a grant, representatives of the potential grantee and of the Secretary shall enter into negotiations. The subjects of negotiations shall include but shall not be limited to: (1) Program components; (2) subgrantees; (3) funding levels; (4) program objectives; (5) performance levels and standards; and (6) administrative systems.

(c) The Secretary reserves the right to decline to fund any program component(s) or subgrantee(s) or contractor(s) listed in a potential grantee's Funding Request, to add subgrantees, and to modify the target area to be served.

(d) In the event that the negotiations do not result in an acceptable negotiated grant for a section 303 program in a State or area, the Secretary reserves the right to terminate the negotiation and (1) decline to provide funds for section 303 programs in that State or area for that fiscal year or (2) publicly by announcement in the FEDERAL REGISTER invite submission of new proposals for the State or area or (3) negotiate with any organization.

§ 97.218 Grant Award.

(a) At the conclusion of negotiations a grant document which incorporates the results of all negotiations shall be prepared in conformity with FMC 74-7.

(b) The Secretary shall make a grant award by providing the grantee with a grant agreement consisting of the Grant Signature Sheet, the Assurances and Certification form, the Program of Work, the Program Planning Summary, Budget Information Summary, and Grant Conditions.

(1) The Grant Signature Sheet specifies the amount obligated by the Department, delineates the terms of the grant, and contains the signatures of the Secretary and the grantee official.

(2) The Assurance Certification form is described in § 97.213(b)(4).

(3) The Program of Work shall be a summary statement of the Comprehensive Plan for Farmworkers and shall incorporate the amended Comprehensive Plan for Farmworkers by reference.

(4) Grant Conditions are special restrictions placed on the grant by the Secretary.

(c) The grant agreement becomes effective upon signature by the Secretary.

(d) In signing the Grant Signature Sheet, the grantee official indicates the grantee's acceptance of the grant and of all grant conditions incorporated therein. The grant agreement becomes operational upon signature by both the Secretary and the grantee official.

§ 97.219 Annual competition.

(a) At the discretion of the Secretary, a section 303 sponsor which has obtained a grant on the basis of competition may receive a grant for the following program year without competition.

(b) No grant shall be operated in any State or area for a period of more than two years without recompetition.

(c) Target areas open for competition will be announced by the Secretary.

§ 97.220 Modifications.

(a) *Major modifications.* (1) A major modification to the grant is required under any of the following conditions:

(i) change in duration of the grant;

(ii) change in grant allotment;

(iii) change in the assurances and certifications;

(iv) substantial change in program design and/or program goals defined as follows:

(A) When the cumulative number of participants to be served, planned enrollment levels for program activities, planned placement terminations, or participants to be served is to be increased or decreased by 15 percent or more.

(B) When the cumulative transfer of funds among program activities or cost categories exceeds $10,000 or 5 percent of the total grant budget whichever is greater; except as provided in § 97.255 (e)(5).

(C) When the program design is altered significantly such as when there is a change from the approved plan in the allowance payment system including but not limited to, the conditions of waiver or when there are changes in program design including but not limited to changes in the design in program activities or changes in target area(s).

(D) When the sponsor adds or terminates any subgrantee, contractor, or program operators.

(v) at the initiation of the Secretary as necessary after consultation with the grantee to assure compliance with the regulations and the approved plan and/or to insure responsiveness to changing economic conditions.

(2) Major grant modifications will not be initiated solely to adjust planned performance to meet actual performance.

(3) Prior approval of the Secretary is required for items covered in (a)(iv)(A), (B), (C), (D) of this section.

(b) *Format.* Major modifications shall consist of the following:

(1) Revised Program Planning Summary Budget Information Summary for current and future quarters and a narrative explanation of the proposed changes as appropriate to the Secretary with a copy to the appropriate Regional Administrator.

(2) Each request for a modification must contain adequate documentation and analysis to support the request.

(3) Revised signature sheet.

(c) *Minor Modifications.* A sponsor may make any change in its Program Planning Summary, Budget Information Summary, or narrative description which is not set out in paragraph (a) of this section without prior approval, but must show any such change in the first Program Status Summary or Financial Status Report as appropriate submitted to be Department after the change has been made. At the same time this report is submitted, an updated Program Planning Summary or Budget Information Summary shall also be submitted to the Secretary with a copy to the appropriate Regional Administrator; only those lines and columns affected by the modification need to be shown.

PROGRAM OPERATIONS

§ 97.230 General.

Sections 97.230–97.237 set forth the program operation requirements for grantees under section 303. The utilization of funds under section 303 is conditioned upon adherence to the Act, terms and conditions of the grant, the regulations under the Act and other applicable law.

§ 97.231 Basic responsibilities of grantees under section 303.

A grantee shall be responsible for: (a) Compliance with plans and assurances, Grant Conditions, and official written communications from the Department;

(b) Compliance with the Grant Administration sections of this Subpart C;

(c) Designing training which is, to the maximum extent feasible, consistent with every participant's fullest capabilities and will lead to employment opportunities enabling every participant to become economically self-sufficient.

(d) Designing program activities which will, to the maximum extent feasible, contribute to the occupational development and upward mobility of every participant;

(e) Providing services only to eligible farmworkers as defined in § 97.232 and their dependents;

(f) Providing training only to participants who are legally able to accept employment in the occupation for which training is being provided;

(g) Advising every participant of his or her rights and responsibilities prior to entering the program and granting the opportunity for an informal hearing as provided in § 97.234; and

(h) Making maximum efforts to achieve the goals set forth in the Program of Work.

§ 97.232 Eligibility for participation in section 303 programs.

(a) Eligibility for participation in section 303 programs is limited to farmworkers and their dependents who have, during the 18 months preceding their application for enrollment: (1) Received at least 50 percent of their total earned income as agricultural workers (see § 97.203 "Definitions—Farmworker" and paragraph (a)(2) of this section) during any consecutive 12-month period; and

(2) Been employed in agriculture on a seasonal basis (time spent and income earned by agricultural workers while employed in food processing establishments may be counted as agriculture-related employment for eligibility purposes); and

(3) Been identified as economically disadvantaged as defined below:

(i) Member of a family which receives cash welfare payments; or

(ii) Member of a family whose annual family income in relation to family size does not exceed the poverty level determined in accordance with criteria established by the Office of Management and Budget (OMB). The "nonfarm family" tables shall be used in determining the poverty level for farmworker families.

(b) It shall be the responsibility of the grantee to establish the necessary procedures to ensure that participants meet the above eligibility criteria. Application forms will be completed for all participants, and the forms must contain sufficient information to determine whether or not the applicants meet the prescribed eligibility criteria.

(c) Citizenship shall not be used as a criterion to prevent persons from participating in a program. However, program participants shall be limited to nationals of the United States and aliens who have been accorded the privilege of residing in the United States as lawful permanent residents or are otherwise legally available for work in the United States.

(d) Participants in programs authorized under CETA Titles I, II, and VI and under other sections of Title III who met the eligibility criteria for section 303 at the time of their enrollment may also be transferred into or enrolled concurrently in the section 303 programs. Section 303 participants who met eligibility criteria for Title I at the time of their enrollment may also be transferred into or enrolled concurrently in the Title I program (§ 95.32(f) of this title).

(e) No section 303 service shall be provided to persons violating the terms of the Farm Labor Contractor Registration Act of 1963 as amended (Pub. L. 88–582, 78 Stat. 920, as amended by Pub. L. 93–518, 88 Stat. 1652).

§ 97.233 Types of program activities available.

(a) A grantee may provide any type of activity consistent with the purpose of section 303 of the Act. Such activities include, but are not limited to the placement of farmworkers and their dependents in jobs above the poverty level, training, education, and other services needed to enable a farmworker to improve his or her well-being and economic self-sufficiency. A program funded under section 303 may include any activity described in paragraph (c) of this section.

(b) A program funded under section 303 may not utilize section 303 funds to implement public service employment programs as described in Part 96 and 99 of this title or to publish a newsletter in violation of the provisions of § 98.23 of this Subtitle.

(c) The basic types of program activities available to a sponsor include, but are not limited to the following: (1) *Classroom training.* (i) This program activity is any training conducted in an institutional setting designed to provide individuals with the technical skills and information required to perform a specific job or group of jobs. It may also include training designed to enhance the employability of individuals by upgrading basic skills, including GED (General Education Development) opportunities to earn the equivalent of a high school diploma for farmworkers who dropped out of school; and the provision of other courses, for example, remedial education. Grantees whose target populations include a significant number of persons of limited English-speaking ability should include provisions for training in the primary language of such persons and/or training in English-as-a-second language or both.

(ii) Occupational training shall be designed for occupations in which skills shortages exist (section 105(a)(6)) and for which there is reasonable expectation of employment (section 703(10)). In making these determinations, a grantee shall utilize available community resources such as the local SESA office, the National Alliance of Businessmen, and similar organizations.

(iii) Allowances. Allowances and other benefits shall be provided in accordance with § 97.256.

(iv) Training agreements. Vocational classroom training may be supported with section 303 funds. In order to obtain such classroom services, grantees may negotiate either financial or nonfinancial agreements on either a class size or individual referrals basis with local educational institutions or boards.

(2) *On-the-job training.* (i) On-the-job training (OJT) is training conducted in a work environment designed to enable individuals to learn a bonafide skill and/or qualify for a particular occupation through demonstration and practice. Such training should be concluded on a "hire first, train later" basis, or with reasonable assurance of ultimate placement with an employer other than the training organization. Training shall be designed to lead to the maximum development of participants' potentials and to their economic self-sufficiency.

(ii) Inducements to employers. Grantees may provide payments or other inducements to public or private employers for the bona fide training and related costs of enrolling individuals in the program; provided that payments to employers organized for profit are only made for the costs of recruiting, training, and supportive services which are over and above those normally provided by the employer. Use of a formula which incorporates the trainee's wage as a factor and fixed unit cost contracting are acceptable methods of reimbursement to private-for-profit employers for extraordinary training costs associated with providing on-the-job training. When using a formula, the sponsor can reimburse the employer for extraordinary training costs for training on-the-job, up to a level not to exceed 50 percent of entry level wages. Sponsors may design other methods of cost reimbursement provided that payments reflect only extraordinary training costs.

(iii) Direct subsidization of wages for participants employed by private employers organized for profit is not an allowable expenditure (section 101(5)).

(iv) Labor organization consultation. Appropriate labor organizations shall be consulted in the design and conduct of on-the-job training programs where collective bargaining agreements exist with the employer.

(v) Participant benefits. Wages and other benefits provided to OJT participants shall be in accordance with conditions specified in § 97.257.

(3) *Work experience.* (i) (A) Work experience is a short-term and/or part-time work assignment with a public employer or a private non-profit employing agency and is designed to enhance the employability of individuals who have either never worked or who have not been working in the competitive labor population for an extended period of time, i.e., new or recent entrants into the labor force. The work experience activity is designed to increase the employability of such individuals by providing them with experience on a job, an opportunity to develop occupational skills and good work habits and an opportunity to develop specific occupational goals through exposure to various occupational opportunities.

(B) In addition, work experience may include a short-term work assignment while an appropriate classroom training or on-the-job training opportunity funded under this Act is being developed. Sponsors should limit the participation of individuals placed in work experience while an appropriate activity is being developed to 90 working days.

(C) Participation in work experience for purposes other than that indicated in paragraph (c)(3)(i)(B) of this section shall be for a reasonable length of time determined in accordance with the needs of the participant.

(D) Except as provided above, the participation in work experience of individuals whose only manpower need is for employment, e.g., unemployed individuals who have occupational skills and good work habits, is generally inappropriate.

(ii) Sponsors shall describe in their Comprehensive Plan for Farmworkers the basic design of their work experience activity, including the characteristics of participants who will participate in the work experience activity, the objectives of the activity and the duration and planned outcomes of work experience.

(iii) Work experience activities for youth include part-time employment for students attending school, short-term employment for students during summer, short-term employment for out-of-school youth adjusting to a work setting and in transition from school to employment, short-term employment for those youth who have no definite occupational goal, and short-term or part-time employment for youth for whom

no training or job opportunity immediately exists.

(iv) Work experience for adults includes part-time or short-term employment for the chronically unemployed, retired persons, recently discharged military individuals, handicapped individuals, institutional residents and inmates and others who have not been working in the competitive labor population for extended periods of time.

(v) Sponsors shall periodically review the progress of each work experience participant to determine whether continued participation in work experience, transfer to another activity, placement in unsubsidized employment or some other action is most appropriate. The sponsor shall make this determination based on whether the purposes of the work experience activity described in paragraph (c) (3) (i) of this section have been achieved.

(vi) Program outcomes for work experience participants include (A) return to school; (B) enrollment in post-secondary education; (C) enlistment in the military services; (D) enrollment in manpower training and (E) placement in subsidized or unsubsidized employment.

(vii) Work experience in the private for profit sector is prohibited.

(viii) Participant benefits. Each participant in a work experience activity shall receive wages. Wages shall be commensurate with such factors as the type of work performed, the geographic region of the program, and the skill proficiency of the participant with such factors as the type of work performed, the geographic region of the program, and the skill proficiency of the participant.

(A) In no event shall the rate be less than the highest of the following: (*1*) The minimum wage rate specified in section 6(a)(1) of the Fair Labor Standards Act of 1938, as amended. The exceptions to section 6(a)(1) shall not apply to work experience participants except as provided in paragraph (B).

(2) The minimum wage prescribed by State or local law for similar employment;

(*3*) For participants on Federally funded or Federally assisted construction projects, the prevailing rate established by the Secretary, in accordance with the Davis-Bacon Act, as amended, when such rates are required by the Federal Statute under which the assistance was provided.

(B) Wages in the Commonwealth of Puerto Rico shall be consistent with provisions of Federal, State or local law otherwise applicable.

(C) Participants in work experience activities shall be provided workmen's compensation and other fringe benefits as specified in § 97.257.

(ix) Work experience participants may be outstationed at worksites, including Federal agencies and private nonprofit agencies. Outstationed participants are still to be considered employees of the sponsor and shall be assured of the same working conditions and benefits, as specified in § 97.257 as received by other similarly employed employees of the sponsor (not the outstationed worksite).

(4) *Services to participants.* This program activity is designed to provide those services which are needed: (i) To enable farmworkers and their dependents to obtain or retain employment or to participate in other program activities leading to their eventual placement in unsubsidized nonseasonal agricultural employment; or

(ii) To assist those farmworkers, who remain as seasonal agricultural employees, in improving their well-being.

(iii) Such services may include, but are not limited to, the following:

(A) Services to applicants

(*1*) Outreach;

(2) Intake: This includes screening for eligibility, the initial assessment process to determine whether the program can benefit the individual and to determine the appropriate manpower activity to which the individual should initially be referred, a determination as to the availability of an appropriate manpower activity; a decision on selection; and dissemination of information on the program;

(B) Manpower Services

(*1*) Orientation;

(2) Counseling: This includes employment related counseling, testing, and vocational or career exploration;

(*3*) Referral to non-303 funded training;

(*4*) Job development

(*5*) Job placement;

(*6*) Follow-up.

(C) Supportive Services (Training and non-training related).

(*1*) Health and medical services;

(2) Child care: Day care program shall meet Federal interagency Day Care Standards and comply with applicable state standards including state licensing requirements.

(*3*) Transportation;

(*4*) Emergency assistance;

(*5*) Relocation assistance;

(*6*) Residential support;

(*7*) Nutritional services;

(*8*) Assistance in securing bonds;

(*9*) Referral to non-303 funded supportive services

(*10*) Family counseling;

(*11*) Family planning services. Provided that such services are made available only on a voluntary basis and are not to be a prerequisite for participants in or receipt of any service of benefit from the program; and

(*12*) Legal Services.

(D) Post-placement service. Manpower and supportive services as described in paragraphs (4) (iii) (A) and (B) of this section may be provided as appropriate to terminated participants who have been placed in unsubsidized employment. These services shall be provided at the discretion of the grantee and shall enable the terminated participant to retain employment. Such services may be provided during the 30-day period following a participant's termination from the program.

(E) Participant benefits. Allowances as described in § 97.256 may be paid to participants enrolled in manpower services as described in this paragraph (4) (iii) of this section when such services are a component of another activity as described in § 97.233 or when such services are provided on a regularly scheduled basis.

(5) Other activities. (i) These activities are manpower activities which are not described in the categories above or manpower-related activities designed to enhance the economic self-sufficiency of individuals who are eligible to participate in programs funded under section 303. This activity includes, but is not limited to high school equivalency programs and to tuition assistance projects (extended tuition support programs and other opportunities in post-secondary education). No individual may be a participant in a tuition support program for more than two years.

(ii) The approved Comprehensive Plan for Farmworkers must describe the basic design, and provide performance standards and a detailed budget for each of the "Other Activities" to be undertaken.

(iii) Participant benefits. Allowances as described in § 97.256 may be paid to a participant enrolled in "Other Activities" as described in paragraph (5) of this section when such activities are a component of other activity described in § 97.233 or when such activities are regularly scheduled and are described in the approved Comprehensive Plan for Farmworkers.

(6) Combined activities. A participant enrolled in any activity funded under the Act may be enrolled simultaneously in any other activity as a component of the participant's primary activity. The primary activity constitutes any activity in which the participant is enrolled for more than 50 percent of the scheduled time.

§ 97.234 Complaint procedure.

(a) Each grantee shall establish a complaint or grievance procedure for resolving any issue arising between it (including any subgrantee or contractor) and a participant or an individual denied participation under section 303.

(b) Such procedure shall include an opportunity for an informal hearing, and a prompt determination of any issue which has not been resolved in an informal manner. When the grantee proposes to take an adverse action against a participant, such procedures shall also include a written notice setting forth the grounds for any adverse action proposed to be taken by the grantee and giving the participant an opportunity to respond. Final determinations made after an opportunity to respond shall be so identified and provided to the participant in writing.

(c) Any person subject to the issue resolution requirements of this section may initiate the procedures provided in

§ 97.291(b) only after all remedies provided under paragraphs (a) and (b) of this section have been exhausted.

§ 97.235 Training for low wage industries; relocation of industries.

No participant may be enrolled in any activity or service under this Act in any low wage industry in jobs where prior skill or training is typically not a prerequisite to hiring and where labor turnover is high, nor may any authority conferred by this Act be used to assist in any relocation of an establishment from one area to another unless the Secretary determines that such relocation will not result in an increase in unemployment in the area of original location or any other area where the business entity conducts operations (sec. 704(a)).

§ 97.236 Cooperative relationships between grantee and other manpower agencies.

(a) Each grantee shall, to the extent feasible, establish cooperative relationships or linkages with other manpower and manpower-related agencies in the area within its jurisdiction, in particular, with agencies operating programs funded through the Department (sec. 105(a)(3)(D)), e.g., Job Corps. Grantees shall document linkages with other agencies. Documentation may include, but not be limited to, written memoranda of understanding, written agreements, or contracts and shall be available to the Secretary upon request.

(b) The establishment of such cooperative relationships or linkages shall include, at a minimum, contacting all appropriate Title I Prime Sponsor(s), SESA's, and farmworker programs, if any, in the target area prior to implementing the section 303 program of services and developing working relationships with them.

(c) Grantees shall, to the extent feasible, notify the appropriate apprenticeship agency of training activities in apprenticeable occupations (sec. 105(a)(3)(D)).

(d) Any grantee which intends to provide services under the Act to recipients of Aid to Families with Dependent Children (AFDC) should coordinate such services with the local sponsor of the Work Incentive Program, if any, to assure that the delivery of services under this Act is consistent with the WIN requirements. The provision of comprehensive manpower services to recipients of AFDC who are required to register for the WIN program may be affected by provisions of Title IV of the Social Security Act. Limitations on length of training, requirements to accept work in lieu of training, and other regulatory requirements may affect the AFDC recipient's participation in programs under the Act.

§ 97.237 Performance measurements.

[Reserved.]

Grant Administration

§ 97.250 Grant Administration in general.

(a) Sections 97.250–97.269 describe Federal requirements relating to the administration by grantees of grants under section 303 of the Act.

(b) In general, administration of section 303 grants shall be governed by Part 98, Subpart A, "Grant Administration," of this Subtitle.

(c) Sections 97.251, 97.262, and 97.270 relate to grantees which are nongovernmental organizations and set forth requirements applicable only to such organizations. Sections 97.252, 97.260, and 97.263, 97.269 set forth exception and variations from 29 CFR Part 98, Subpart A, which are applicable to all section 303 grantees. Sections 97.261 and 97.269(b)–97.272 provide additional grant administration requirements applicable to all section 303 grants.

(d) In Part 98, Subpart A of this Subtitle, (1) All reference to the "RA" shall read "the Secretary" when applicable to section 303 programs.

(2) FMC 74–4 and FMC 74–7, designed for public agencies, are hereby made applicable to private nonprofit section 303 grantees. At such time that GSA issues comparable FMC's for private nonprofit organizations, they shall supersede the above Federal Management Circulars.

§ 97.251 Private nonprofit organizations; financial management systems.

For private nonprofit organizations the requirements for financial management systems set forth in § 98.5 of this Subtitle shall apply in their entirety, and in addition the following requirements shall be observed:

(a) *Certification of accounting systems.* Before funds are released to a grantee receiving an initial DOL grant or to a grantee any of whose nongovernmental subgrantees has never administered DOL funds the grantee shall submit a statement to DOL certifying that its accounting system and/or that of the subgrantee(s) meets the standards set in paragraphs (1), (2), and (3) of this section.

(1) Prior to the release of funds of an initial DOL grant, the grantee shall have its accounting system surveyed and evaluated by an auditor. On the basis of the auditor's findings and conclusions, the Secretary shall determine whether the accounting system meets DOL's standard and, if not, whether to suspend the grant.

(2) The accounting system certification shall state that the grantee and/or the subgrantee(s) have established adequate accounting systems with appropriate internal controls to safeguard assets, to check the accuracy and reliability of their accounting data, to promote operating efficiency, and to encourage compliance with prescribed management policies and any additional fiscal responsibilities and accounting requirements established by DOL.

(3) The certification may be furnished by an independent certified public accountant, or an independent state-licensed public accountant.

(b) *Subgrantees.* A grantee shall not release or commit any grant funds to a new subgrantee unless it has received from the proposed subgrantee an accounting system certification appropriately modeled after those required in paragraphs (a) (1), (2) and (3) of this section. These certifications are to be obtained by the grantee from its subgrantees for retention among the grantee's records and need not be transmitted to DOL unless DOL requests them. DOL may disallow as a charge against the grant any funds released in violation of the requirement stated in this paragraph.

(c) The cost incurred by the grantee or subgrantee in providing certifications of accounting systems is not an allowable cost under section 303 unless such cost is approved as part of the Comprehensive Plan for Farmworkers.

§ 97.252 Audit.

The requirements for audit shall be as described in § 98.6 of this subtitle, except that the following special provisions shall apply:

(a) The term "prime sponsor" in § 98.6 of this Subtitle for the purposes of section 303 shall mean grantee.

(b) The requirement for access to books, documents, papers, and records described in paragraph (a) of § 98.6 of this Subtitle shall apply to all section 303 grantees, subgrantees, contractors and other program operators.

(c) (1) Audits conducted under the provisions of § 98.6(e) of this Subtitle shall be subject to prior approval by the Secretary. (2) The reference to every "two years" in § 98.6(e)(2) for the purposes of section 303 shall read "every year." (3) The cost of "$100,000" in § 98.6(e)(2) for the purposes of section 303 shall read "$25,000."

§ 97.253 Reporting requirements.

"Reporting requirements in general," set forth in § 98.7 of this Subtitle shall be superseded as follows:

(a) Each grantee will be required to submit four periodic reports which will be used by the Secretary to assess its performance in carrying out the objectives of the Act. These four reports are: (1) The Program Status Summary; (2) The Financial Status Report (These two reports replace the Quarterly Progress Report); (3) The Quarterly Summary of Participant Characteristics; and (4) The Report of Federal Cash Transactions. In addition, grantees may from time to time be required to prepare and submit reports requested by other Federal agencies for the performance of the legislative responsibilities of these agencies.

(b) In order to avoid duplication of payments by unemployment insurance and CETA programs, sponsors shall, upon request, provide SESA'S a current

list of all CETA participants enrolled in their programs receiving wages.

(c) *Program Status Summary and Financial Status Report:* The Program Status Summary and Financial Status Report requirements set forth in § 98.8 (a) and (b) of the Subtitle shall be applicable.

(d) *Quarterly Summary of Participant Characteristics:* The Quarterly Summary of Participant Characteristics requirements set forth in § 98.9 of this Subtitle shall be applicable.

(e) *Report of Federal Cash Transactions:* The Report of Federal Cash Transactions requirement set forth in § 98.10 of this Subtitle shall be applicable.

(f) In addition, special reports may be required by the Secretary.

(g) The reports required by paragraphs (b) and (c) of this section shall be prepared to coincide with the ending dates of Federal Fiscal Year quarters. These reports shall be sent by the grantee to be received by the Secretary no later than 30 days after the end of the reporting period. If a grantee's grant period ends on a date other than the end of a Federal fiscal quarter, a fifth set of reports covering the entire grant period will be required.

(h) Accountability must be maintained by the grantee for each of the activities authorized under the various Titles of the Act. Therefore, separate reports will be required for the section 303 grants.

(i) The Secretary reserves the right to require the submission of these reports by grantees more frequently than quarterly in cases where there appears to be a major negative deviation from the Program Planning Summary or the Budget Information Summary.

(j) Detailed descriptions of the forms required by paragraphs (c) and (d) are in the Forms Preparation Handbook and supplement.

(k) All required reporting shall be submitted directly to the Secretary at the following address:

U.S. Department of Labor,
Employment and Training Administration,
Patrick Henry Building—Room 7122,
601 D Street, NW, Washington, D.C. 20213.
Attention: Chief, Division of Farmworker Programs.

Copies of the reports required by paragraphs (a), (b), (c), and (d) of this section shall be sent to the appropriate RA at the time of submission to the National Office.

§ 97.254 Reallocation of funds.

The requirements regarding reallocation of funds set forth in § 98.11 of this Subtitle shall be superseded as follows:

(a) *General.* The Secretary may reallocate funds from a grantee under the circumstances and in accordance with the procedures described in this section.

(b) *Reallocation based on nonperformance.* (1) When the Secretary considers through review of the grantee's reports, monitoring, or auditing of the program that its performance may be inadequate or that it may have failed to comply with the Act or regulations, notice shall be given and opportunity shall be allowed for an administrative review as provided in § 97.292.

(2) If the Secretary then decides to reallocate funds based on a ground set forth in paragraph (b) (1) of this section:

(i) The grantee's plan for the area shall be revoked in whole or in part;

(ii) No further payments shall be made under this Act to the grantee, to the extent which the Secretary deems necessary; and

(iii) The grantee shall be notified of the amount of funds which shall be returned from unexpended funds paid to the grantee during that fiscal year.

(3) The Secretary shall make provision for the reallocation of funds to be used by an alternative grantee to service the area which was served by the grantee before the reallocation or the Secretary may serve such an area directly.

(c) *Reallocation based on need.* (1) In a limited number of circumstances, the Secretary may determine that the unobligated portion of a grantee's grant shall be reallocated to another area because the funds are not needed where they were originally allocated.

(2) Before reallocating funds as set forth in paragraph (c) (1) of this section, the Secretary shall determine that:

(i) The grantee's plan will be carried out without expending all the funds previously made available for that plan; and

(ii) The excess funds identified under paragraph (c) (2) (i) of this section cannot reasonably be expected to be needed in the following grant period.

(d) *Reallocation.* When the Secretary determines that funds should be reallocated based on the criteria in paragraph (c) of this section, the following actions shall be taken:

(1) *Notice of intent to reallocate funds.* When the Secretary determines that a reallocation is appropriate, the grantee shall be notified of the proposed action to remove funds from the grant. The notice shall include the basis for the proposed reallocation.

(2) *Comments by grantee.* The grantee shall be invited to submit comments on a proposed reallocation of funds out of its area. These comments shall be submitted to the Secretary within 30 days of receipt of the notice. The Secretary shall consider these comments before making a final determination to reallocate.

(3) *Notification of final determination.* The Secretary shall notify the grantee of the final determination after reviewing any comments submitted by the grantee. A final decision to reallocate funds of a grantee shall be published in the FEDERAL REGISTER, and a modification of the grant shall be made.

(4) *Reallocation procedures.* In reallocating such funds to supplement other grants, the Secretary shall first consider the need for additional funds by other grantees within the same State. A decision to increase a grant with reallocated funds shall not be made without prior consultation with the grantee as to how the funds will be expended. Such a decision shall be published in the FEDERAL REGISTER with an announcement to the grantee(s) receiving additional allocations and the amounts.

(5) *Reallocated funds.* Reallocated funds shall not be considered allocable funds for the purpose of paragraph (c) (2) of § 97.204, the "hold harmless" provision.

§ 97.255 Allowable Federal costs.

The requirements regarding allowable Federal costs set forth in § 98.12 of this Subtitle shall be superseded as follows:

(a) *General.* Except as modified in these regulations, Federal funds granted under the Act may be expended only for purposes permitted under the provisions of Subpart 1–15 of Title 41 of the Code of Federal Regulations. 41 CFR 1–12.2 applies to educational institutions, and 41 CFR 1–15.7 applies to state and local governments. Allowable costs include both direct and indirect costs.

(1) *Direct and Indirect Costs.* Direct costs are those which can be identified specifically with a particular cost objective such as an organizational unit, function or object, as well as ultimate cost objectives including specific grants, projects, contracts, and other activities. Indirect costs are those costs of a grantee organization which are not readily identifiable with a particular function or project but nevertheless are necessary to the general operation of the grantee organization and the conduct of the activities it performs. Indirect costs are usually grouped into a common pool and distributed to those activities which benefit from them through the expedient of an indirect cost rate.

(2) *Policies and Procedures.* Cost allocation plans including indirect cost rate proposals shall be developed and approved in accordance with the applicable cost principles and procedures set forth in 41 CFR 1–3.7 and 41 CFR 1–15. Whenever costs jointly serve one or more CETA titles and CETA is the only source of funding, a cost allocation plan must be developed to allocate those costs among the title if these are shared services. These plans are to be used and retained for future audits. Where there are multiple sources of funding, such as other Federal programs or state or local funded programs simultaneously operated by the grantee organization, a cost allocation plan is necessary if there are shared services. This cost allocation plan must equitably allocate costs between the programs (and within the CETA program, among the various titles). All cost allocation plans must be approved in advance by the Secretary.

(b) *Restrictions on use of funds.* No funds granted under the Act may be used, directly or indirectly, as a contribution for the purpose of obtaining Federal funds under any other law of the United States which requires a contribution from the grantee in order to receive such funds, except if authorized under that law. However, the use of funds granted under one title of the Act as a matching contribution in order to obtain

additional funds under another title of the Act is permitted.

(c) *Expenditures for repairs, maintenance and capital improvements and construction.* (1) Section 303 funds may not be expended for new construction (including additions to existing facilities) but may be expended for building repairs, maintenance, and capital improvements to existing facilities. These costs must be related to a facility or building which is used primarily for programs under the Act (sec. 702(b)).

(2) No funds for new construction (including additions to existing facilities) are allowable except as a part of a training program in a construction occupation. Training costs may include such items as instructors' salaries, training tools and books, allowances or wages to participants (if appropriate) but may not include materials used in construction or land acquisition. Construction costs for training programs shall be allowable only when such construction would not normally be performed by an outside contractor.

(d) *Allowable cost categories.* Allowable costs shall be reported against the following cost categories: Administration; wages; training; fringe benefits; allowances; and services (sec. 101).

(1) Costs are allocable to a particular cost category to the extent of benefits received by such category.

(2) All grantees are required to plan, control, and report expenditures against the aforementioned cost categories.

(3) All grantees are responsible for assuring that subgrantees and contractors plan, control, and report expenditures against the aforementioned cost categories.

(4) When required by § 98.24 of this Part or State Unemployment Insurance Laws to pay unemployment insurance costs, sponsors shall plan for those obligations to be incurred during the grant year. This responsibility includes unemployment insurance charge which will be incurred by subgrantees and contractors because of unemployment insurance liabilities incurred under programs under the Act.

(e) *Classification of costs by category.* The following principles shall be followed in classifying costs by cost category:

(1) Participants' wages shall be charged to wages.

(2) Participants' fringe benefits shall be charged to fringe benefits (premiums for insurance with comparable coverage to workmens compensation for participants enrolled in classroom training and services to participants is considered to be a training or service cost as appropriate).

(3) Allowances paid to program participants shall be charged to allowances.

(4) Training costs consisting of goods and services which directly and immediately affect program participants shall be charged to training. Such costs should be those incurred for instruction of participants in either a work environment or classroom. Goods and services which have direct and immediate impact on participants are limited to those actually involved in the participant training process itself as opposed to those which are supportive of that process. For examples of training-related costs which may and may not be charged to training see paragraph (f)(4), Training.

(5) Supportive and manpower services costs which consist of goods and services which directly and immediately affect program participants shall be charged to Services. Goods and services considered to have direct and immediate impact on participants are limited to those actually involved in the process of providing participants with supportive and manpower services as opposed to those which are ancillary to that process. For examples of service-related costs which may and may not be charged to Services see paragraph (f)(5), Services.

(6) Administration costs shall consist of all indirect and direct costs associated with the management of the grant. Such costs are those which do not directly and immediately benefit participants but are necessary for effective delivery of direct participants benefits. These costs are generally identified with supervision, and management, fiscal and recordkeeping systems. These costs shall also include the administration costs both direct and indirect of subgrantees and contractors. For examples of administration costs see paragraph (f)(6), Administration costs.

(7) When contractors bill the grantee with a single unit charge containing costs which are chargeable to more than one cost category the grantee will endeavor to obtain the detail necessary to charge these costs to the proper cost categories. For unit charges such as tuition fees for which the necessary detail cannot be provided, an estimate of the breakdown of the single unit charge among cost categories will be obtained; except when such unit charges are normally billed as a single charge and the cumulate amount of the common charges such as tuition fees or doctors' bills do not exceed $25,000. These exempted charges do not need to be prorated among the benefitting categories but can be charged to the category receiving the most benefit. Any profit (or loss) should be prorated among all the affected cost categories.

(8) Classification of equipment costs present special problems since many items of equipment can be used for various purposes. In the case of multi-use equipment there must be a proration of cost, or, if there is a predominant usage relating to one cost category, a charge shall be made to that category.

(9) Any single cost such as staff salaries and/or fringe benefits which is properly chargeable to more than one cost category shall be prorated among the affected categories.

(f) *Costs allowable by each cost category.* Following are examples of costs properly chargeable to each of the cost categories.

(1) *Wages.* All wages paid to participants receiving on-the-job training in public or private nonprofit organizations, and all wages paid to participants in work experience will be allowed. Cost of living increases are considered wages. Wages paid to participants while receiving on-the-job training from a private employer organized for profit cannot be supported by funds under the Act (sec. 101(5)).

(2) *Fringe benefits.* Allowable fringe benefits costs for participants include but are not limited to the following: annual, sick, court and military leave pursuant to an approved leave system; employer's contribution for social security, employees' life and health insurance plans; unemployment insurance, worker's compensation insurance; and retirement benefits provided such benefits are granted as part of the approved Comprehensive Plan for Farmworkers. Unemployment insurance costs are allowable fringe benefits and shall be charged to the grant as they are incurred. Cost of living increases may not be charged to fringe benefits.

(3) *Allowances.* All allowances paid to program participants pursuant to § 97.256(a) shall be charged to this cost category.

(4) *Training.* Training costs include, but are not limited to the following: salaries, fringe benefits, equipment, and supplies of personnel engaged in providing training, books and other teaching aids; equipment and materials used in providing training to participants; classroom space and utilities costs; and that part of tuition and entrance fees which represent instructional cost having a direct and immediate impact on participants (see § 98.12(e)(7) for exceptions). The following are examples of costs not properly chargeable to training: General and administrative costs of the training facility, supervision, clerical support for non-instructors, and training (skill maintenance and upgrading) of instructors, staff travel except when such travel is an integral part of the instruction, costs of non-classroom space and utilities, transportation of participants to training sites, and cost of processing allowance payments. The compensation of individuals who both instruct participants and supervise other instructors must be prorated among the Training and Administration cost categories on the basis of time records or other equitable means. Similarly, tuition fees and the cost of supplies used in the course of both participant instruction and other activities should be prorated among the benefitting uses.

(5) *Services.* (i) Services include, but are not limited to services to applicants, manpower services and supportive services, as set forth in § 97.233(c)(4).

(ii) Services to applicants includes outreach, intake, and assessment.

(iii) Supportive services include child care, health care, medical and dental services, residential support, assistance in securing bonding, transportation, and family planning.

(iv) Manpower services include orientation, counseling, job development and job placement.

(v) Allowable service costs include, but are not limited to, salaries and fringe benefits, space, utility, equipment and travel costs when an integral part of the job of personnel engaged in providing services to participants (e.g., job developers, counselors, and outreach workers); and that part of single unit charges for child care, health care, and other services which represent only the costs of services directly beneficial to participant (see § 98.12(e)(7) for exceptions). Transportation of participants is properly chargeable to services.

(vi) The following are examples of costs not properly chargeable to services: General and administrative costs of the services provided; supervision, clerical support, staff training, travel of supervisory staff, rent and other facilities costs except as provided for in (iv), and costs of supplies, materials, and equipment not used directly in providing services to participants.

(6) *Administrative Costs.* (i) Administrative costs shall be limited to those necessary to effectively operate the program. They shall not exceed 20 percent of the total planned costs for the entire grant unless such additional costs have been approved in writing by the Secretary. Consultant services under contract must have the prior approval of the Secretary.

(ii) Supportive costs are comprised of general and administrative costs, overhead, and similar cost groupings representing the general management and support functions of an organization as well as secondary management and support functions. Included are salaries and fringe benefits of personnel engaged in executive, fiscal, personnel, legal, audit, procurement, data processing, communications, transportation, maintenance, and similar functions, related materials, supplies, equipment, office space costs, and staff training.

(iii) Direct program costs which are not an integral part of training and services provided participants are comprised of goods and services which neither contribute to the management and support functions of an organization nor directly and immediately affect participants. Included are direct program salaries and fringe benefits of supervisory and clerical personnel, program analysts, labor market analysts, and project directors. In addition, all costs of materials, supplies, equipment, space, utilities, and travel which are identifiable with these direct program administration positions shall be charged to administration. Some examples of administrative costs are the salary of a clerical assistant to a supervisor; that part of an instructor's salary representing time spent supervising other instructors, desk-top supplies used by supervisors and in general office administration, rent, depreciation or maintenance of non-classroom space, staff training, consultants services under contract not involving direct training or services to participants, costs incurred in the establishment and maintenance of farmworker boards and advisory councils as provided in § 97.268, and costs of providing technical assistance to contractor and subgrantee staff.

(iv) Services normally chargeable to Administration when performed by staff personnel shall be charged to Wages or Fringe Benefits, as appropriate, when performed by program participants.

These services when performed by program participants, may not be paid by section 303 funds unless this use of participants' services has been described in the approved Comprehensive Plan for Farmworkers.

(g) *Travel costs.* (1) The cost of participant travel and staff travel necessary for the operation or administration of programs under the Act is allowable as provided herein.

(2) Travel costs of section 303 staff or board members are allowable only if the travel specifically relates to programs under section 303 and is within the CETA section 303 target area or for a Department sponsored or approved conference, meeting, etc. All other travel to be charged to the CETA section 303 grant shall require the prior approval of the Secretary. These costs shall be charged to administration.

(3) Travel costs of other grantee officials of multi-funded programs charged with overall grantee responsibilities (e.g., the Governor of a state or the chief executive of a political subdivision, or their immediate staff that do not have continuing programmatic responsibilities) are allowable if costs specifically relate to programs under the Act. Prior approval by the Secretary is not required. These costs shall be charged to administration.

(4) Travel costs for participants in administrative positions, are allowable when the travel is specifically related to the operation of programs under section 303. These costs shall be charged to administration.

(5) Travel costs, based on mileage, for participants using their personal automobiles in the performance of their jobs are allowable if the employing agency normally reimburses its other employees in this way. These costs shall be charged to fringe benefits.

(6) Travel costs to enable participants to obtain employment or to participate in programs under the Act are allowable as supportive services but shall be restricted to the grantee's jurisdiction or within daily commuting distance, unless part of an approved component in the Comprehensive Plan for Farmworkers.

(7) Travel policies set forth in the Standardized Government Travel Regulations (SGTR) are required of all grantees, subgrantees and contractors. Where a grantee, subgrantee, or contractor, has a more restrictive travel policy than the SGTR, the more restrictive requirements shall be followed.

(8) Other travel requirements may be issued by the Secretary for private nonprofit grantees.

§ 97.256 Training allowances.

The requirements for training allowances shall be as described in § 95.34 of this subtitle with the following special provisions:

(a) The term "prime sponsor" in § 95.34 of this subtitle for the purpose of section 303 shall mean grantee.

(b) The requirements for eligibility for allowances described in § 95.34(c) of this subtitle for programs funded under section 303 shall read: "Subject to the provision of § 95.34(j) of this subtitle and § 97.233, allowances shall be paid to participants for time spent in classroom training. In addition, allowances may be paid for time spent in other activities as specified in § 97.233(c)(5) or manpower services such as orientation and counseling. However, allowances for participation in manpower services or other activities shall be provided only if such activities are a component of another activity described in § 97.233, or participation is on a regularly scheduled basis described in the approved Comprehensive Plan for Farmworkers. Furthermore, no allowances will be paid for any course having a duration in excess of 104 weeks (sec. 111(a)).

§ 97.257 Wages.

(a) Participants in work experience shall be paid wages as required by § 97.233(c)(3)(viii).

(b) Participants in on-the-job training shall be compensated by the employer at such rates, including periodic increases, as are reasonable considering such factors as industry, geographical region, and trainee proficiency (sec. 111(b)). In no event shall the rate be less than the highest of the following:

(1) The minimum wage rate specified in Section 6(a)(1) of the Fair Labor Standards Act of 1938, as amended. The exceptions to section 6(a)(1) shall not apply to on-the-job training participants, except as provided in paragraph (c).

(2) The State or local minimum wage for the most nearly comparable covered employment;

(3) The prevailing rates of pay for persons employed in similar occupations by the same employer; or

(4) The minimum entrance rate for inexperienced workers in the same occupation in the establishment or, if the occupation is new to the establishment, the prevailing entrance rate for the occupation among other establishments in the community or area or, any minimum rate required by an applicable collective bargaining agreement.

(5) For participants on Federally funded or Federally assisted construction projects, the prevailing rate established by the Secretary in accordance with the Davis-Bacon Act, as amended, when such rates are required by the Federal statute under which the assistance was provided.

(c) For hours spent in the production of goods or services, the rate of compensation to be paid to trainees by employers, public or private, shall be specified in a

written agreement entered into by the training or employing facility and the prime sponsor.

(d) Wages in the Commonwealth of Puerto Rico shall be consistent with provisions of the Federal, State or local law, otherwise applicable.

§ 97.258 Minimum duration of training; reasonable expectation of employment.

(a) *Duration of training.* An individual shall not be referred for training in an occupation which requires less than two weeks of preemployment training unless there are immediate employment opportunities available in that occupation (sec. 703(8)).

(b) *Reasonable expectation of employment.* An individual shall not be referred to training unless the grantee determines, after utilizing available and appropriate community resources, that there is a reasonable expectation of employment for such an individual in the occupation for which the person is being trained (sec. 703(10)).

§ 97.259 General benefits and working conditions for program participants.

(a) Each participant in an on-the-job training or work experience under the Act shall be assured of workmen's compensation benefits at the same level and to the same extent as other employees of the employer who are covered by a state or industry workmen's compensation statute. Participants engaged in any CETA program activity, i.e., work experience, on-the-job training, classroom training, services to participants and other activities where others similarly engaged are not covered by an applicable workmen's compensation statute shall be provided workmen's compensation insurance or coverage under a medical and accident insurance policy for injury or diseases resulting from such participation. The costs of such insurance shall be charged to the appropriate cost category as provided in § 97.255.

(b) Each participant in an on-the-job training or work experience, shall also be assured of health insurance, unemployment insurance, coverage under collective bargaining agreements and other benefits at the same levels and to the same extent as other employees similarly employed, and to working conditions and promotional opportunities neither more nor less favorable than such other employees similarly employed (secs. 208(a)(4), 703(5) and 703(6)). Nothing in this section shall be interpreted to require coverage for health insurance, unemployment insurance and similar benefits for participants, such as, work experience participants, where there is no employee of the employer performing the same or similar work in the employment situation. In determining whether the work is the same or similar to that of a person regularly employed, the prime sponsor will take into consideration, but shall not be limited to, employment status, type of work performed, job classification and method of appointment to the position.

(c) Every participant must be advised prior to entering employment of the name of his employer, and of his rights and benefits in connection with his employment (sec. 208(a)(8)).

(d) No participant will be required or permitted to work, be trained, or receive services in buildings or surroundings or under working conditions which are unsanitary, hazardous or dangerous to his health or safety. In the case of participants employed or trained for jobs inherently dangerous, e.g., fire or police jobs, participants will be assigned to work in accordance with reasonable safty practices. The provisions of section 2(a)(3) of Pub. L. 89-286 (relating to health and safety conditions) shall apply to such programs or activity (secs. 208(a)(5) and 703(5)).

(e) The requirements for participants retirement benefits shall be as provided in § 98.25 of this subtitle.

§ 97.260 Allocation of Allowable Costs Among Program Activities.

The requirements regarding allocation of allowable costs among program activities set forth in § 98.13 of this subtitle shall be superseded as follows: The program activities against which program costs shall be planned, controlled and reported upon are: Classroom training; on-the-job training; work experience; services to participants; and other activities. The cost categories under each of these activities is defined in § 97.255(e). The extent to which these cost categories are chargeable to specific program activities is set forth below. Administration includes all allowable administrative costs directly associated with the program activity and a pro rata share of the grantee's administrative costs under section 303 not directly associated with any program activity.

(a) *Classroom training.* Cost categories chargeable are: administration, allowances, training, and services.

(b) *On-the-job training.* Cost categories chargeable are: administration, wages (with public or private nonprofit employers only), fringe benefits, training, and services.

(c) *Work Experience.* Cost categories chargeable are: administration, wages, fringe benefits, training, and services.

(d) *Services to participants.* (1) *Manpower services.* Cost categories chargeable are:

(i) Administration.

(ii) Allowances. This includes all allowances paid for short periods of time to participants who are registered for training, but are waiting for startup of a component and includes additional allowances as described in § 97.233(f).

(iii) Services. This includes all manpower services including postplacement services which are not part of another program activity and which are provided to participants by a grantee, contractor, or subgrantee.

(2) *Supportive services.* These services include but are not limited to health and medical services, child care, emergency assistance, relocation assistance, residential support, nutritional services, and other supportive services. Cost categories chargeable are:

(i) Administration.

(ii) Services. This includes all supportive services, including postplacement services, which are not part of another program activity and which are provided to participants by a grantee, contractor, or subgrantee.

(e) *Other activities.* Cost categories chargeable are: administration, allowances, training and services.

§ 97.261 Bond coverage of officials.

(a) Prior to the release of funds to any grantee, public or private, DOL shall receive written assurance that arrangements have been made for appropriate bonding of grantee officials. This assurance may take the form of either a statement that no bond is needed because the conditions of paragraphs (b) have been met, or of a letter from a bonding company or agent stating the type of bond, amount and period of coverage, positions covered, and the annual cost of the bond which has been obtained.

(b) A bond need not be provided by a public grantee if funds are to be deposited in a public treasury and disbursed and audited by local and state public officials who normally perform these duties. In this case, the financial role of the officials of the grantee agency shall be limited to making withdrawals from the Federal Reserve System for deposit in the public treasury and certifying appropriate expenditures for disbursement. A grantee which is a public agency need not provide a new bond if all employees who are authorized to sign or countersign checks on the grantee's commercial bank account or to disburse cash are already bonded in an amount consistent with local requirements and practices.

(c) Private grantees shall take steps to secure blanket fidelity bond coverage in accordance with the following provisions:

(1) Coverage shall be secured in an amount equal to the average of funds to be expended each month, up to the aggregate amount of $25,000, whichever is less, for all persons authorized to sign or countersign checks or to disburse sizeable amounts of cash, such as for payrolls.

(2) Grantees shall assure that appropriate officials of subgrantees and contractors are bonded. Existing bond coverage on officials of subgrantees which are public agencies shall be considered acceptable. Coverage for officials of subgrantees and contractors which are private organizations shall be equal to the average of funds to be expended each month, up to an aggregate amount of $25,000. If a subgrantee or contractor will expend less than $1,000 per month in program funds, on the average, bond

coverage shall not be required, but may be obtained and is an allowable cost.

§ 97.262 Basic personnel standards for grantees and subgrantees.

The basic personnel standards set forth in §§ 98.14, 98.21, 98.22, and 98.23 of this Subtitle shall be applicable to public grantees and to public subgrantees receiving section 303 funds. The following provisions shall be applicable only to private nonprofit grantees and to private nonprofit subgrantees receiving section 303 funds.

(a) *Personnel policies.* Each grantee and subgrantee shall maintain personnel policies and practices in accord with applicable laws and regulations, the provisions of §§ 98.21, 98.22, 98.23 of this Subtitle and the provisions of paragraphs (b) through (h) of this section. Such personnel policies must be in written form and available to the Secretary upon request.

(b) *Discrimination prohibited.* No grantee or subgrantee shall discriminate in its hiring and personnel procedures against any applicant for employment or any employee because of race, creed, color, national origin, sex, or age.

(c) *Opportunities for farmworkers.* Each grantee and subgrantee shall insure that its recruiting procedures afford adequate opportunity for the hiring and advancement of persons in the target population.

(d) *Prohibition against partisan political and sectarian activities.* In addition to the prohibitions described in § 98.23, of this Subtitle grantees and subgrantees shall assure that no program under section 303 involves sectarian activities and that neither section 303 funds nor the personnel employed in the program shall be engaged in the conduct of sectarian activities.

(e) *Nepotism.* The provisions of § 98.22 of this Subtitle shall apply to all grantees and subgrantees with the following special provision:

(1) The term "employed in an administrative capacity" in § 98.22(a) Subtitle for the purposes of section 303 shall mean employed in an administrative capacity or membership on a governing board.

(f) *Prohibition against acceptance of gifts and gratuities.* Employees of grantees and subgrantees shall not accept gifts, money, or gratuities from persons receiving benefits or services under the program, or performing services under contract, or otherwise in a position to benefit from an action of the grantee's employees.

(g) *Outside employment.* Grantees and subgrantees shall include the following provisions in their published personnel policies relating to outside employment of their employees: (1) Such employment shall not interfere with the efficient performance of the employee's duties in the DOL-assisted program;

(2) Such employment shall not involve a conflict of interest or conflict with the employee's duties in the DOL-assisted program;

(3) Such employment shall not involve the performance of duties which the employee should perform as part of employment in the DOL-assisted program; and

(4) Such employment shall not occur during the employee's regular or assigned working hours in the DOL-assisted program, unless the employee during the entire day on which such employment occurs is on annual leave, compensatory leave, or leave without pay.

(h) *Salaries and wages.* (1) Minimum wage; Employees shall be paid at a rate no lower than the applicable minimum wage. Subject to this minimum, the salary for each position supported by DOL funds shall accord with prevailing local practice for comparable positions in local public or private nonprofit agencies.

(2) Wage comparability: (i) Persons employed in carrying out programs financed under section 303 shall not receive compensation at a rate which is (A) in excess of the average rate of compensation paid in the area where the program is carried out to persons providing substantially comparable services; (B) less than the applicable Federal or State minimum wage rate, whichever is higher.

(ii) Some grantees or subgrantees are part of long-established private agencies which have merit systems and will apply these systems to section 303-supported employees. In these instances, all positions covered under such merit systems shall be deemed comparable and no extensive organizational reviews, position analyses, or comparability determinations shall be necessary; provided that these employees are filling positions or types of positions in existence before the agency or institution received a section 303 grant and that the salary scale has not been changed as a result of the grant.

(iii) Those grantees for which paragraph (h)(2)(ii) of this section is not applicable, shall establish wage rates for each section 303-supported position based upon a wage comparability study.

(3) *Salary and wage schedule.* Each grantee shall maintain an up-to-date salary and wage schedule. This schedule shall be based upon an up-to-date wage comparability study as described in paragraph (h)(2) of this section. Each position supported by section 303 funds shall: (i) be part of a salary and wage schedule which assigns a specific salary or wage range incorporating periodic increases to each position;

(ii) Be described in a written detailed job description identifying job functions and responsibilities;

(iii) Have specific qualifications required of each person to be hired into the position; and

(iv) Be distinguishable from every other position by reason of its responsibilities, and job functions; Positions requiring higher salaries or wages shall include higher levels of responsibilities commensurate with the salary. All such materials shall be incorporated into personnel policies, procedures, and practice manuals.

(4) *Promotions and salary increases.* Each grantee shall maintain as part of its personnel policies and procedures and practices manual detailed procedures for hiring new employees, promoting present employees and granting salary increases. Documentation shall be maintained for all such personnel actions to substantiate compliance with established procedures for all hires, promotions, and salary increases. Such documentation shall include identification of the procedures used to select new employees or promote present employees, and substantiation of the concerned individual's eligibility for such a personnel action.

(5) *Salaries over $20,000.* No employee engaged in carrying out program activities receiving financial assistance under section 303 shall be compensated from funds so provided at a rate in excess of $20,000 per year, without approval from DOL. An employee subject to the provisions of salary proration in paragraph (h)(5) of this section shall not be compensated from funds so provided at a rate in excess of the prorated share of $20,000, without approval from DOL. Exceptions shall be granted by DOL in cases where, because of the need for specialized or professional skills or prevailing local salary levels, application of the foregoing restrictions would greatly impair program effectiveness or otherwise be inconsistent with the purposes to be achieved by the program.

(6) *Prorating salaries.* In cases where an individual performs functions under several grants, their time shall be prorated among the different grants and the portion of the salary charged to the section 303 grant shall not exceed the percentage of time spent performing section 303 functions.

(7) *Employee benefits.* Shall be established in accord with prevailing practice in comparable public or private nonprofit agencies.

(i)(1) Staff complaint procedures. Each sponsor and subgrantee shall establish as part of their written personnel policies a staff complaint procedure for resolving any issue arising between it and a staff member hired with CETA section 303 funds. Such procedures shall include an opportunity for an informal hearing, and a prompt determination of any issue which cannot be resolved in an informal manner. When the sponsor (or subgrantee) proposes to take an adverse action against a staff member, such procedures shall require that a written notice be given to that staff member. The written notice shall set forth the grounds for any adverse actions proposed to be taken by the sponsor (or subgrantee) and give the staff member an opportunity to respond. Final determinations made after an opportunity to respond shall be so identified and provided to the staff member in writing.

(2) Any staff member subject to the complaint procedures provided for in (1) above may initiate the procedures provided in § 97.291(b) after all remedies

provided under (1) of this paragraph have been exhausted.

§ 97.263 Non-Federal status of participants.

The requirements for this section shall be as described in § 98.28 of this subtitle.

§ 97.264 Grantee contracts and subgrants.

A grantee funded under section 303 may enter into contracts or subgrants under the provisions described in § 98.27 of this subtitle, except that the following special provisions shall apply:

(a) The procurement of contracts shall be in conformance with the standards in § 97.270.

(b) The requirements for cancellation described in § 98.27(e) of this subtitle for programs funded under section 303 shall read as follows:

If a contractor or subgrantee does not comply with any requirement of the Act, the regulations promulgated under the Act, other applicable law, the grant agreement, grant conditions, or other grant terms or conditions which the Secretary has issued or shall subsequently issue during the period of the grant, the grantee shall cancel the contract or subgrant. Cancellations of subgrants are major modifications as described in § 97.221 and require approval by the Secretary.

(c) The reference in § 98.27(g) of this subtitle of the provisions of § 98.15 and § 98.16 shall read "the provisions of §§ 97.265, 97.266, and 97.267."

§ 97.265 Adjustments in payments.

The requirements for adjustments in payments shall be as described in § 98.15 of this Subtitle, except that the following special provisions shall apply:

(a) The term "Comprehensive Manpower Plan" for the purposes of section 303 shall mean Comprehensive Plan for Farmworkers.

(b) The Secretary may also make adjustments in payments as described in § 97.267. The adjustments need not be based on a ground set forth in § 98.15(a) of this Subtitle.

§ 97.266 Termination of a grant.

The requirements for termination of a grant shall be as described in § 98.16 of this Subtitle, except that the following special provisions shall apply:

(a) Section 98.16(a) shall be superseded as follows: If a grantee violates or permits a subgrantee or contractor to violate the regulations, grant conditions, or grant terms or conditions which the Secretary has issued or shall subsequently issue during the period of the grant, the Secretary may terminate the grant in whole or in part, unless the grantee causes such violation to be corrected within a period of 30 days after receipt of notice specifying the violation.

(b) In situations where there is adequate evidence that there has been substantial mismanagement of program funds under the Act, the Secretary may determine that a grantee be suspended from consideration for CETA section 303 funds for a period no longer than 12 months. The Secretary shall notify a suspended grantee of the suspension in writing. The notice shall state the nature of the fraudulent or improper conduct upon which it is based and the period during which the grantee may make a written response to the notice. If the grantee responds in writing to the notice, the Secretary shall either rescind suspension, or confirm, or modify the period during which the suspension will be in effect.

§ 97.267 Grant closeout procedures.

The grant closeout procedures shall be as described in § 98.17, except that the following special provisions shall apply:

(a) Paragraphs (a), (b), and (c) of § 98.17 of this substitle shall apply in their entirety, and in addition the following special provisions shall apply:

(1) Any contracts or subgrants which extend beyond the termination date or completion of the legal grant period, as permitted by § 98.27(g) of this subtitle shall not exceed six months, unless the grantee has been notified of its selection as a potential grantee for the succeeding fiscal year.

(2) The Secretary may make adjustments in payments of the unexpended funds committed under contracts and subgrants described in paragraph (a) (1) of this section at any time between the completion or termination date of the grant and the termination date or completion of the subgrant or contract.

(b) § 98.17(d) of this subtitle shall be superseded as follows: Upon closeout, the Secretary will insure that:

(1) Prompt payment is made to the grantee for reimbursement of costs under the grant being closed out.

(2) After the final reports are received, a settlement is made for any upward or downward adjustments which are made to the Federal share of the costs, including those described in paragraph (a) (2) of this section.

(3) The letter of credit is cancelled.

(4) Final program and fiscal audits are performed as soon as possible after the completion or termination date of the grant.

§ 97.268 Maintenance and retention of records.

The requirements for the maintenance and retention of records shall be as described in § 98-18 of this subtitle, except that the following special provisions shall apply

(a) The requirement for maintaining information on the work history of participants shall not apply to participants who are minor children.

(b) The term "State and local prime sponsors" for the purposes of section 303 shall mean grantees.

§ 97.269 Program income and limitations on program expenditures.

(a) *Program income.* Section 98.19 of this title prescribes the requirements relating to program income applicable to public grants and subgrantees. The requirements for private grantees and subgrantees shall be as follows:

(1) Private organizations shall be required to return to the Federal Government interest earned on advances of grant-in-aid funds.

(2) Proceeds from the sale of real and personal property, either provided by the Federal Government or purchased in whole or in part with Federal funds and royalties received from copyrights and patents during the grant period, shall be handled in accordance with grant conditions the Secretary has issued or shall subsequently issue during the period of the grant.

(3) Program income earned during the grant period which has been included in the Comprehensive Plan for Farmworkers shall be retained by the grantee and, in accordance with the grant agreement, shall be added to funds committed to the project and be used to further program objectives. All other program income earned by the grantee shall be returned to the Federal Government, except as provided by grant conditions the Secretary has issued or shall subsequently issue during the period of the grant.

(4) The grantee shall record the receipt and expenditure of revenues as a part of grant project transactions.

(b) *Limitations on program expenditures.* Program expenditures shall not be made prior to the effective date of the grant period as set forth in the grant agreement or as subsequently modified by DOL. Expenditures made before such date shall be disallowed unless approved by the Secretary in advance. If the grantee incurs expenditures in excess of the total amount of the approved program, the amount of the overexpenditure shall be absorbed by the grantee from nonsection 303 funds.

§ 97.270 Procurement standards.

(a) The standards to be used for the procurement of supplies, equipment, and other materials and services by State and local governments with Federal grant funds shall be those described in § 98.20 of this subtitle.

(b) The standards to be used for the procurement of supplies, equipment, and other materials and services by private grantees and subgrantees shall be those described in the Federal Procurement Regulations, the Property Handbook for MA Contractors issued by the Department, and 41 CFR 1-5.2 or 41 CFR 1-15.3. On-the-job training contracts are not subject to sole source approval requirements and the procurement of subgrants is exempt from procurement requirements. When on-the-job training contracts are made, the grantees shall to be provided, and such record shall be available to the Secretary upon request. The foregoing standards are prescribed to assure that such materials and services are obtained in compliance with the provisions of applicable Federal laws and Executive Orders.

§ 97.271 Labor standards.

All laborers are mechanics employed by contractors or subcontractors in the construction, alteration or repair, in-

cluding painting and decorating, or projects, buildings, and works which are federally assisted under a grant shall be paid wages at rates not less than those prevailing on similar construction in the locality, as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a–5).

§ 97.272 Allowances and reimbursements for board and advisory council members.

(a) *General.* A reasonable allowance to members who attend meetings of any board, council, or committee, and reimbursement of actual expenses connected with those meetings are allowable costs; but grant funds shall not be used to pay such allowances to any individual who is a Federal, State, or local government employee, or to an employee of a grantee or subgrantee.

(b) *Allowances.* Any person who is a member of a private nonprofit grantee or subgrantee policymaking body or of a public agency grantee or subgrantee farmworker advisory council is eligible to be paid an allowance; provided (1) such person's family income falls within OMB Poverty Guidelines and (2) the person is not a Federal employee, an employee of a DOL-assisted organization, or an employee of a State or local public agency. Allowances shall not exceed five dollars per meeting, unless the grantee's chief elected official or governing board determines a higher payment more suitable. Allowances in excess of five dollars shall be approved in advance by DOL. No person shall be paid an allowance by any one DOL-assisted organization for attendance at more than two meetings per month, regardless of whether the meetings are for the same or different policymaking bodies.

(c) *Reimbursements.* (1) Any person, whose family income falls within OMB Poverty Guidelines and who is a member of a private nonprofit grantee or subgrantee policymaking body or of a public agency grantee or subgrantee farmworker advisory council shall be eligible for reimbursement of actual expenses, including actual wages lost up to $18 a day. Receiving an allowance shall not preclude receiving reimbursement for actual expenses incurred in attending that meeting.

(2) Where the community served by the program covers a large geographic area, as in the case of a multi-county or a statewide grantee, reimbursements may also be made to those nonpoor members of a policymaking body who must travel a substantial distance from their home to attend meetings within the community. The grantee's principal representative board shall determine what constitutes a "substantial distance" in its community.

(3) Persons may be reimbursed no more than two meetings per month. A grantee desiring to make reimbursement to an individual for more than two monthly meetings shall obtain the prior approval of DOL.

(4) The grantee shall define which expenses may be reimbursed, whether incurred as the result of actual attendance at meetings or in the performance of other official duties and responsibilities in connection with the program, and shall establish procedures for the reimbursement of such expenses. The grantee shall obtain the approval of the Secretary for such definitions and procedures prior to reimbursing any individuals under the provisions of paragraphs (c) (1) and (2) of this section.

(d) *Administrative cost:* Allowances and reimbursement as described in paragraphs (a), (b), and (c) of this section shall be charged to the cost category "Administration". Allowances and reimbursement cost for governing Boards and Advisory council should be prorated as administrative costs among all of the grants, from whatever source, administered by the grantee.

ASSESSMENT AND EVALUATION

§ 97.280 Assessment and evaluation.

Assessment and evaluation of section 303 programs shall be conducted in accordance with § 98.30 through § 98.33 of this subtitle. Moreover, the Secretary of Labor shall obtain the approval of the Secretary of Health, Education, and Welfare with respect to direct arrangements by the Secretary of Labor for the provision of basic education and vocational training. This approval shall focus on the legality and quality of such service arrangements as well as the relationships of such services to those being delivered under other applicable laws for which the Secretary of Health, Education, and Welfare is responsible (section 306 of the Act).

ADMINISTRATIVE REVIEW

§ 97.290 Purpose and policy.

Sections 97.290 through 97.292 set forth the procedures established by the Secretary for (a) the receipt, investigation, and determination of formal allegations of denial of services by a grantee or subgrantee to participants in a section 303 program or to any individual who may have been eligible for services under section 303; and (b) the review of Petitions for Reconsideration arising out of the procedures for determining potential grantees for allocable funds.

§ 97.291 Procedure for complaints by eligible individuals and program participants.

(a) *Grantee administrative remedies.* An individual denied services who may have been eligible, or an aggrieved participant in a program under section 303, must exhaust the administrative remedies established by the grantee for resolving matters in dispute prior to utilizing the procedures under this section. An individual denied service who may have otherwise been eligible or an aggrieved participant may initiate an action under this review procedure within 30 days of any final decision by a grantee. The filing of a formal complaint under this section shall not be automatically act as a stay of the decision rendered by the grantee, but such decision may be stayed at the discretion of the Secretary.

(b) *Complaints: Filing of formal allegations; dismissal; form; contents of formal allegations, amendments; investigations.* Procedures for complaints filed pursuant to this section shall be as provided in § 98.42 through § 98.45 of this subtitle except that all formal allegations shall be filed with the Secretary and the term "Comprehensive Manpower Plan" for the purpose of section 303 shall mean Comprehensive Plan for Farmworkers.

§ 97.292 Procedure for complaints arising from the selection of potential grantees.

(a) *Administrative remedies.* Potential grantees shall be determined according to the procedures described in § 97.213 through § 97.215. An applicant which wishes to object formally to its nonselection as a potential grantee, after consideration by the Secretary as provided in § 97.214, may file a Petition for Reconsideration with the National Office within 14 days of the notification of the Department's decision not to award a grant. Reconsideration under this section will not be given to objections by potential sponsors regarding the subjects of negotiation listed in 97.217.

(b) *Petition for Reconsideration.* A petition for Reconsideration shall be a written statement by a responsible official of the complainant requesting a review of the nonselection and may enumerate the factors which the applicant asserts should be reviewed in reconsidering its Funding Request, but such enumeration is not required.

(c) *Reconsideration.* (1) Upon receipt of the Petition for Reconsideration, the Secretary shall, within 14 days, make one of the following determinations:

(i) That the organization be designated a potential grantee.

(ii) That the Granting Officer's decision be sustained.

(2) The representative of the Secretary responsible for resolution of the Petition for Reconsideration shall be an official of the Employment and Training Administration not directly involved in the original determination. The determination described in paragraph (c) (1) of this section shall be final.

Signed at Washington, D.C., this 5th day of October 1976.

WILLIAM H. KOLBERG,
Assistant Secretary for Employment and Training.

[FR Doc.76–30251 Filed 6–18–76;8:45 am]

federal register

TUESDAY, OCTOBER 19, 1976

PART III:

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

■

NATIONAL BANKS

Form and Content of Financial Statements to Shareholders

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

[12 CFR Part 13]

NATIONAL BANKS

Form and Content of Financial Statements to Shareholders

Notice is hereby given that the Comptroller of the Currency ("Comptroller") under the general authority of the National Banking Laws, as amended (Revised Statutes 324 et seq., 12 U.S.C. 1 et seq.), proposes to revise Part 18 of Title 12 of the Code of Federal Regulations. Part 18 contains rules governing the preparation and issuance of Annual Reports to Shareholders by national banks which are not furnishing Annual Reports to Shareholders in accordance with § 11.5(c) of Part 11 of the Comptroller's Regulations (12 CFR Part 11).

The purpose of this proposed revision is to make the provisions of Part 18 relating to the preparation of financial statements in Annaul Reports to Shareholders conform to the recently revised Instructions for Preparation of Consolidated Reports of Condition and Reports of Income by National Banking Associations ("Call Report Instructions").

The effect of this proposal would be to simplfy the preparation of the Annual Report to Shareholders by requiring banks to follow the instructions to, and utilize portions of, the Call Reports as the major element of the basic financial reporting format in the Annual Report to Shareholders. Except for the proposed form of financial statement reporting, this revision of Part 18 would in no way restrict banks from including other information that has traditionally appeared in Annual Reports to Shareholders.

The proposed revision is responsive to comments received by the Comptroller which assert that the proliferation of inconsistent forms has made compliance with various financial reporting regulations unduly burdensome for national banks. The Comptroller has already proposed similar changes in its other regulations requiring the filing of financial statements so as to achieve, insofar as possible, a single standard of financial reporting.

The major changes in Part 18 which would be made by this proposed revision are described below:

1. The title of the revised Part 18 would be changed to read "Form and Content of Annual Report to Shareholders" to more accurately reflect the scope of Part 18.

2. An optional short form method of compliance has been provided for those banks which choose not to send shareholders the traditional form of Annual Report. See proposed § 18.3(d).

3. The Call Report Instructions and all other releases amending or interpreting these Instructions would be incorporated, to the extent applicable, for use in the preparation of the financial statements required by Part 18. These Instructions would replace present § 18.2, 18.3, 18.4, 18.5, 18.6 and portions of § 18.8.

4. Footnotes to the financial statements would be required which would disclose certain enumerated items of information as well as any additional information necessary to make the financial statements not misleading.

5. A new exemption from the requirements of Part 18 would be added for banks which, except for directors' qualifying shares, are wholly-owned subsidiaries of bank holding companies.

6. Banks subject to Part 18 would be required to furnish a copy of the Annual Report to Shareholders to the Comptroller of the Currency in Washington and to the appropriate Regional Administrator of National Banks.

7. Banks subject to Part 18 would be required to mail the Annual Report to Shareholders to each of their shareholders at least 14 days prior to the annual meeting.

All interested parties are invited to submit written comments on the proposed revision to Mr. Rhoger H. Pugh, NBSS Project Manager, Comptroller of the Currency, Washington, D.C. 20219. All comments should be submitted not later than November 20, 1976, and will be given full consideration. Comments will be made available to the public for inspection and copying upon request, except as provided in 12 CFR Part 4.

The text of proposed 12 CFR 18 is as follows:

PART 18—FORM AND CONTENT OF ANNUAL REPORT TO SHAREHOLDERS

Sec.
18.1 Scope and application.
18.2 Financial statements.
18.3 General rules.
Appendix A—Balance Sheet.
Appendix B—Statement of Earnings.
Appendix C—Reconciliation of Equity Capital Accounts.
Appendix D—Reconciliation of Reserve for Possible Loan Losses (Valuation Reserve).

AUTHORITY: R.S. 324 et seq., as amended; (12 U.S.C. 1 et seq).

§ 18.1 Scope and application.

This part is issued by the Comptroller of the Currency under the general authority of the National Banking Laws, R.S. 324 et seq. as amended, 12 U.S.C. 1 et seq., and contains rules applicable to the issuance of annual reports by national banks.

(a) Every national bank shall mail an annual report to each of its shareholders, to the Comptroller of the Currency and the appropriate Regional Administrator, containing, as a minimum, the information required by this Part. This Part shall not apply to the following:

(1) Banks which are furnishing Annual Reports to Shareholders in accordance with § 11.5(c) of Part 11 of the Comptroller's Regulations; or

(2) Banks which, except for directors' qualifying shares, are wholly-owned subsidiaries of bank holding companies.

(b) Every bank subject to this Part shall mail an annual report to each of its shareholders at least 14 days prior to its annual meeting but in no event later than 60 days after the close of the bank's fiscal year.

§ 18.2 Financial statements.

The following financial statements must be included in the Annual Report to Shareholders:

(a) Comparative Balance Sheets as of the end of the two most recent fiscal years (See Appendix A);

(b) Comparative Statements of Earnings for the two latest fiscal years (See Appendix B);

(c) Comparative Reconciliation of Equity Capital Accounts for the two latest fiscal years (See Appendix C);

(d) Comparative Reconciliation of Reserve for Possible Loan Losses (Valuation Reserve) for the two latest fiscal years (See Appendix D).

§ 18.3 General rules.

(a) The financial statements called for by this Part should be prepared in accordance with the applicable instructions and definitions set forth by the Office of the Comptroller of the Currency in the publication entitled, "Instructions for Preparation of Consolidated Reports of Condition and Reports of Income by National Banking Associations" and in any other releases amending or interpreting this publication.

(b) The following information should be disclosed, when applicable, in footnotes to the financial statements:

(1) A summary of significant accounting policies, such as whether the bank is on the cash or accrual basis of accounting;

(2) Any changes in accounting principles or practices or in the method of applying any accounting principles or practices made during any period for which financial statements are filed which affect comparability of such financial statements with those of prior or future annual periods, and the effect thereof upon the net operating earnings for each period for which financial statements are filed;

(3) Retroactive adjustment made during any period for which financial statements are filed, and the effect thereof upon net operating earnings and nonoperating additions and deductions of prior periods;

(4) A brief description of any restrictions, other than statutory, on the payment of dividends;

(5) The components of income tax expense, including taxes currently payable and deferred income taxes;

(6) A breakdown of the loan portfolio similar to the major loan categories of Schedule A of the Consolidated Report of Condition; and

(7) The amount of outstanding standby letters of credit.

(c) The statements and footnotes called for by this part are minimum requirements. Additional information as may be necessary to make the financial statements not misleading shall be included.

(d) The requirements of this Part may be met by providing each shareholder with a copy of the Balance Sheet of the

Consolidated Report of Condition and Section A of the Consolidated Report of Income, and the following information, for both the current and immediately preceding year:

(1) Income before securities gains (losses) per common share;

(2) Net income per common share;

(3) Appendix C of this part;

(4) Appendix D of this part;

(5) Footnotes pursuant to § 18.3(b); and

(6) Such additional information as may be necessary to meet the requirements of § 18.3(c).

APPENDIX A.—*Balance Sheet (consolidated)*

[In thousands of dollars]

	19...	19...
Resources:		
1. Cash and due from banks		
2. U.S. Treasury securities		
3. Obligations of other U.S. Government agencies and corps.		
4. Obligations of States and political subdivisions		
5. Other bonds, notes, and debentures		
6. Federal Reserve stock and corporate stock		
7. Trading account securities		
8. Federal funds sold and securities purchased under agreements to resell		
9. (a) Loans, total (excluding unearned income)		
(b) Less: Reserve for possible loan losses		
(c) Loans, net		
10. Direct lease financing		
11. Bank premises, furniture and fixtures, and other assets representing bank premises		
12. Real estate owned other than bank premises		
13. Investments in unconsolidated subsidiaries and associated companies		
14. Customers' liability to this bank on acceptances outstanding		
15. Other assets		
16. Total assets		
Liabilities:		
17. Demand deposits of individuals, partnerships, and corps.		
18. Time and savings deposits of individuals, partnerships and corps.		
19. Deposits of U.S. Government		
20. Deposits of States and political subdivisions		
21. Deposits of foreign governments and official institutions		
22. Deposits of commercial banks		
23. Certified and officers' checks		
24. Total domestic deposits		
(a) Total demand deposits		
(b) Total time and savings deposits		
(c) Deposits in foreign offices		
(d) Total domestic and foreign deposits		
25. Federal funds purchased and securities sold under agreements to repurchase		
26. Liabilities for borrowed money		
27. Mortgage indebtedness		
28. Acceptances executed by or for account of this bank and outstanding		
29. Minority interest in consolidated subsidiaries		
30. Other liabilities		
31. Total liabilities		
32. Subordinated notes and debentures		
Equity Capital Accounts:		
33. Preferred stock:		
(a) No. shares outstanding .... (par value)		
34. Common stock:		
(a) No shares authorized		
(b) No. shares outstanding .... (par value)		
35. Surplus		
36. Undivided profits		
37. Reserve for contingencies and other capital reserves		
38. Total equity capital		
39. Total liabilities and equity capital		

NOTE.—Banks may combine various lines as follows if the particular line figure is less than 3 percent of total assets: Line 14 into line 15; Line 7 into lines 2, 3, 4, and 5, as appropriate; line 23 into line 30. Lines for which banks have no entry may be omitted.

APPENDIX B.—*Statement of Earnings (consolidated)*

[In thousands of dollars]

	19...	19...
1. Operating income:		
(a) Interest and fees on loans		
(b) Interest on balances with banks		
(c) Income on Federal funds sold and securities purchased under agreements to resell in domestic offices		
(d) Interest on U.S. Treasury securities		
(e) Interest on obligations of other U.S. Government agencies and corporations		
(f) Interest on obligations of States and political subdivisions of the U.S.		
(g) Interest on other bonds, notes and debentures		
(h) Dividends on stock		
(i) Income from direct lease financing		
(j) Income from fiduciary activities		
(k) Service charges on deposit accounts in domestic offices		
(l) Other service charges, commissions, and fees		
(m) Other income		
(n) Total operating income (sum of items 1-a through 1-m)		

APPENDIX B.—*Statement of Earnings (consolidated)*—Continued

[In thousands of dollars]

	19__	19__
2. Operating expenses:		
(a) Salaries and employee benefits		
(b) Interest on time certificates of deposit of $100,000 or more issued by domestic offices		
(c) Interest on deposits in foreign offices		
(d) Interest on other deposits		
(e) Expense of Federal funds purchased and securities sold under agreement to repurchase in domestic offices		
(f) Interest on borrowed money		
(g) Interest on subordinated notes and debentures		
(h) 1. Occupancy expense of bank premises, gross		
2. Less: Rental income		
3. Occupancy expense of bank premises, net		
(i) Furniture and equipment expense		
(j) Provision for possible loan losses (or actual net loan losses)		
(k) Minority interest in consolidated subsidiaries		
(l) Other expenses		
(m) Total operating expenses (sum of items 2-a through 2-l)		
3. Income before income taxes and securities gains or losses (Item 1-n minus 2-m)		
4. Applicable income taxes (domestic and foreign)		
5. Income before securities gains or losses (item 3 minus 4)		
6. (a) Securities gains (losses), gross		
(b) Applicable income taxes (domestic and foreign)		
(c) Securities gains (losses), net		
7. Net income before extraordinary items		
8. Extraordinary items, net of tax effect		
9. Net income		
Earnings per common share:		
Income before securities gains (losses)		
Net income		

NOTE.—Banks may combine any line item 1-a through 1-l into line 1-m, and any line item 2-a through 2-l into line 2-l, provided the particular line figure to be combined is less than 3 percent of total operating income. Lines for which banks have no entry may be omitted.

APPENDIX C.—*Reconciliation of Equity Capital Accounts, 19__*

[In thousands of dollars]

	Preferred stock (par value)	Comon stock (par value)	Surplus	Undivided profits and capital reserves	Total equity capital
1. Balance beginning of period					
2. Net income (loss)					
3. Sale, conversion, acquisition or retirement of capital					
4. Changes incident to mergers and absorptions					
5. Cash dividends declared on common stock					
6. Cash dividends declared on preferred stock					
7. Stock dividends issued					
8. Other increases (decreases) (itemize)					
9. Balance end of period					

NOTE.—This schedule is identical to sec. B of the consolidated report of income, and should be prepared for each of the latest 2 years.

APPENDIX D.—*Reconciliation of Reserve for Possible Loan Losses (Valuation Reserve)*

[In thousands of dollars]

	19__	19__
1. Balance beginning of period		
2. Recoveries credited to reserve		
3. Changes incident to mergers and absorption		
4. Provision for possible loan losses (must equal Item 2j on statement of earnings)		
5. Losses charged to reserve		
6. Balance end of period		

NOTE.—Every bank subject to this part must provide this schedule as part of its report to shareholders. Banks with total resources of less than $25,000,000 as of the end of the previous year which have no reserve for possible loan losses (valuation reserve) must, nevertheless, provide this schedule as part of their report to shareholders. These banks will show a beginning balance of zero, gross recoveries on line 2, gross losses on line 5, and net losses or recoveries on line 4, which will result in an ending balance of zero.

Dated: October 14, 1976.

ROBERT BLOOM,
Acting Comptroller of the Currency.

[FR Doc.76-30677 Filed 10-18-76;8:45 am]

federal register

TUESDAY, OCTOBER 19, 1976

PART IV:

DEPARTMENT OF LABOR

Office of the Secretary

■

APPRENTICESHIP PROGRAMS

Proposed Registration Standards

DEPARTMENT OF LABOR

Office of the Secretary

[29 CFR Part 29]

APPRENTICESHIP PROGRAMS

Proposed Registration Standards

Pursuant to section 1 of the National Apprenticeship Act of 1937 (29 U.S.C. 50), Reorganization Plan No. 14 of 1950 (64 Stat. 1267; 3 CFR 1949–53 Comp. p. 1007), the Copeland Act (40 U.S.C. 276c), and 5 U.S.C. 301, the Department of Labor proposed to amend 29 CFR subtitle A by adding thereto a new Part 29, which was published at 39 FR 13894 (5–23–73).

This proposed new part set out labor standards, policies and procedures relating to the registration, cancellation and deregistration of apprenticeship programs and of apprenticeship agreements by the Bureau of Apprenticeship and Training, the recognition of a State agency as the appropriate agency for registering local apprenticeship programs for certain Federal purposes, and the standards for Bureau approval of on-the-job training programs.

The Department invited interested persons to submit written views and comments concerning the proposal and numerous comments were received. The Department studied these comments carefully with a resulting decision to revise the proposed regulations in certain respects.

The intended revisions dealt primarily with deletion of references to trainees and on-the-job training programs, with certain changes in criteria for apprenticeable occupations, recognition and composition of State Apprenticeship Agencies and Councils, and other minor revisions. The proposed new part with these revisions was published at 40 FR 11340 (3–10–75) for additional comments. The Department has presented these additional comments and views to the Federal Committee on Apprenticeship and the Committee has recommended further changes and publication for comment of this proposed new part. The changes recommended by the Federal Committee were to make clear the procedures for application by a State agency for recognition, provision for reciprocity between registration agencies in certain circumstances, and other editorial revisions.

Interested persons may submit written views and arguments concerning this proposed new part to the Administrator, Bureau of Apprenticeship and Training, U.S. Department of Labor, 601 D Street, N.W., Washington, D.C. 20213, on or before November 22, 1976.

The proposed new Part 29 as revised, would read as follows:

PART 29—LABOR STANDARDS FOR THE REGISTRATION OF APPRENTICESHIP PROGRAMS

Sec.

29.1 Purpose and scope.
29.2 Definitions.
29.3 Eligibility and procedure for Bureau registration of a program.
29.4 Criteria for apprenticeable occupations.
29.5 Standards of apprenticeship.
29.6 Apprenticeship agreement.
29.7 Deregistration of Bureau-registered program.
29.8 Reinstatement of program registration.
29.9 Hearings.
29.10 Limitations.
29.11 Complaints.
29.12 Recognition of State agencies.
29.13 Derecognition of State agencies.

AUTHORITY: Sec. I, 50 Stat. 664, as amended (29 U.S.C. 50; 40 U.S.C. 276c; 5 U.S.C. 301); Reorganization Plan No. 14 of 1950, 64 Stat. 1267 (5 U.S.C. App., p. 534).

§ 29.1 Purpose and scope.

(a) The National Apprenticeship Act of 1937, section 1 (29 U.S.C. 50), authorizes and directs the Secretary of Labor "to formulate and promote the furtherance of labor standards necessary to safeguard the welfare of apprentices, to extend the application of such standards by encouraging the inclusion thereof in contracts of apprenticeship, to bring together employers and labor for the formulation of programs of apprenticeship, to cooperate with State agencies engaged in the formulation and promotion of standards of apprenticeship, and to cooperate with the Office of Education under the Department of Health, Education, and Welfare * * *." Section 2 of the Act authorizes the Secretary of Labor to "publish information relating to existing and proposed labor standards of apprenticeship," and to "appoint national advisory committees * * *." (29 U.S.C. 50a).

(b) The purpose of this part is to set forth labor standards to safeguard the welfare of apprentices, and to extend the application of such standards by prescribing policies and procedures concerning the registration, for certain Federal purposes, of acceptable apprenticeship programs with the U.S. Department of Labor, Employment and Training Administration, Bureau of Apprenticeship and Training. These labor standards, policies and procedures cover the registration, cancellation and deregistration of apprenticeship programs and of apprenticeship agreements; the recognition of a State agency as the appropriate agency for registering local apprenticeship programs for certain Federal purposes; and matters relating thereto.

§ 29.2 Definitions.

As used in this part:

(a) "Department" shall mean the U.S. Department of Labor.

(b) "Secretary" shall mean the Secretary of Labor or any person specifically designated by him.

(c) "Bureau" shall mean the Bureau of Apprenticeship and Training, Employment and Training Administration.

(d) "Administrator" shall mean the Administrator of the Bureau of Apprenticeship and Training, or any person specifically designated by him.

(e) "Apprentice" shall mean a worker at least 16 years of age, except where a higher minimum age standard is otherwise fixed by law, who is employed to learn a skilled trade as defined in § 29.4 under standards of apprenticeship fulfilling the requirements of § 29.5.

(f) "Apprenticeship program" shall mean a plan containing all terms and conditions for the qualification, recruitment, selection, employment and training of apprentices, including such matters as the requirement for a written apprenticeship agreement.

(g) "Sponsor" shall mean any person, association, committee, or organization operating an apprenticeship program and in whose name the program is (or is to be) registered or approved.

(h) "Employer" shall mean any person or organization employing an apprentice whether or not such person or organization is a party to an apprenticeship agreement with the apprentice.

(i) "Apprenticeship committee" shall mean those persons designated by the sponsor to act for it in the administration of the program. A committee may be "joint," i.e., it is composed of an equal number of representatives of the employer(s) and of the employees represented by a bona fide collective bargaining agent(s) and has been established to conduct, operate, or administer an apprenticeship program and enter into apprenticeship agreements with apprentices. A committee may be "unilateral" or "non-joint" and shall mean a program sponsor in which a bona fide collective bargaining agent is not a participant.

(j) "Apprenticeship agreement" shall mean a written agreement between an apprentice and either his employer, or an apprenticeship committee acting as agent for employer(s), which agreement contains the terms and conditions of the employment and training of the apprentice.

(k) "Federal purposes" includes any Federal contract, grant, agreement or arrangement dealing with apprenticeship; and any Federal financial or other assistance, benefit, privilege, contribution, allowance, exemption, preference or right pertaining to apprenticeship.

(l) "Registration of an apprenticeship program" shall mean the acceptance and recording of such program by the Bureau of Apprenticeship and Training, or registration and/or approval by a recognized State Apprenticeship Agency, as meeting the basic standards and requirements of the Department for approval of such program for Federal purposes. Approval is evidenced by a Certificate of Registration or other written indicia.

(m) "Registration of an apprenticeship agreement" shall mean the acceptance and recording thereof by the Bureau or a recognized State Apprenticeship Agency as evidence of the participation of the apprentice in a particular registered apprenticeship program.

(n) "Certification" shall mean written approval by the Bureau of:

(1) A set of apprenticeship standards developed by a national committee or organization, joint or unilateral, for policy or guideline use by local affiliates, as substantially conforming to the standards of apprenticeship set forth in § 29.5; or

(2) An individual as eligible for probationary employment as an apprentice under a registered apprenticeship program.

(o) "Recognized State Apprenticeship Agency" or "recognized State Apprenticeship Council" shall mean an organization approved by the Bureau as an agency or council which has been properly constituted under an acceptable law or Executive order, and has been approved by the Bureau as the appropriate body for State registration and/or approval of local apprenticeship programs and agreements for Federal purposes.

(p) "State" shall mean any of the 50 States of the United States, the District of Columbia, or any territory or possession of the United States.

(q) "Related instruction" shall mean an organized and systematic form of instruction designed to provide the apprentice with knowledge of the theoretical and technical subjects related to his/her trade.

(r) "Cancellation" shall mean the termination of the registration or approval status of a program at the request of the sponsor or termination of an apprenticeship agreement at the request of the apprentice.

(s) "Registration agency" shall mean the Bureau or a recognized State Apprenticeship Agency.

§ 29.3 Eligibility and procedure for Bureau registration of a program.

(a) Eligibility for various Federal purposes is conditioned upon a program's conformity with apprenticeship program standards published by the Secretary of Labor in this part. For a program to be determined by the Secretary of Labor as being in conformity with these published standards the program must be registered with the Bureau or registered with and/or approved by a State Apprenticeship Agency or Council recognized by the Bureau. Such determination by the Secretary is made only by such registration.

(b) No apprenticeship program or agreement shall be eligible for Bureau registration unless (1) it is in conformity with the requirements of this part and the training is in an apprenticeable occupation having the characteristics set forth in § 29.4 herein, and (2) it is in conformity with the requirements of the Department's regulation on "Equal Employment Opportunity in Apprenticeship and Training" set forth in 29 CFR Part 30, as amended.

(c) Except as provided under paragraph (d) of this section, apprentices must be individually registered under a registered program. Such registration may be effected:

(1) By filing copies of each apprenticeship agreement; or

(2) Subject to prior Bureau approval, by filing a master copy of such agreement followed by a listing of the name, and other required data, of each individual when apprenticed.

(d) The names of persons in their first 90 days of probationary employment as an apprentice under an apprenticeship program registered by the Bureau or a recognized State Apprenticeship Agency, if not individually registered under such program, shall be submitted immediately after employment to the Bureau or State Apprenticeship Agency for certification to establish the apprentice as eligible for such probationary employment.

(e) The appropriate registration office must be promptly notified of the cancellation, suspension, or termination of any apprenticeship agreement, with cause for same, and of apprenticeship completions.

(f) Operating apprenticeship programs when approved by the Bureau shall be accorded registration evidenced by a Certificate of Registration. Programs approved by recognized State Apprenticeship Agencies shall be accorded registration and/or approval evidenced by a similar certificate or other written indicia. When approved by the Bureau, national apprenticeship standards for policy or guideline use shall be accorded certification, evidenced by a certificate attesting to the Bureau's approval.

(g) Any modification(s) or change(s) to registered or certified programs shall be promptly submitted to the registration office and, if approved, shall be recorded and acknowledged as an amendment to such program.

(h) Under a program proposed for registration by an employer or employers' association, where the standards, collective bargaining agreement or other instrument, provides for participation by a union in any manner in the operation of the substantive matters of the apprenticeship program, and such participation is exercised, written acknowledgement of union agreement or "no objection" to the registration is required. Where no such participation is evidenced and practiced, the employer or employers' association shall simultaneously furnish to the union, if any, which is the collective bargaining agent of the employees to be trained, a copy of its application for registration and of the apprenticeship program. The registration agency shall provide a reasonable time period of not less than 30 days nor more than 60 days for receipt of union comments, if any, before final action on the application for registration and/or approval.

(i) Where the employees to be trained have no collective bargaining agent, an apprenticeship program may be proposed for registration by an employer or group of employers.

§ 29.4 Criteria for apprenticeable occupation.

An apprenticeable occupation is a skilled trade which possesses all of the following characteristics:

(a) It is customarily learned in a practical way through a structured, systematic program of on-the-job supervised training.

(b) It is clearly identified and commonly recognized throughout an industry.

(c) It involves manual, mechanical or technical skills and knowledge which require a minimum of 2,000 hours of on-the-job work experience.

(d) It requires related instruction to supplement the on-the-job training.

§ 29.5 Standards of apprenticeship.

An apprenticeship program shall conform to the following standards:

(a) The program is an organized, written plan embodying the terms and conditions of employment, training, and supervision of one or more apprentices in the apprenticeable occupation, as defined in this part, and subscribed to by a sponsor who has undertaken to carry out the apprentice training program.

(b) The program standards contain the equal opportunity pledge prescribed in 29 CFR 30.3(b) and, when applicable, an affirmative action plan in accordance with 29 CFR 30.4, a selection method authorized in 29 CFR 30.5, or similar requirements expressed in a State Plan for Equal Employment Opportunity in Apprenticeship adopted pursuant to 29 CFR Part 30 and approved by the Department, and provisions concerning the following:

(1) The employment and training of the apprentice in a skilled trade;

(2) A term of apprenticeship, not less than 2,000 hours of work experience, consistent with training requirements as established by industry practice;

(3) An outline of the work processes in which the apprentice will receive supervised work experience and training on the job, and the allocation of the approximate time to be spent in each major process;

(4) Provision for organized, related and supplemental instruction in technical subjects related to the trade. A minimum of 144 hours for each year of apprenticeship is recommended. Such instruction may be given in a classroom through trade, industrial or correspondence courses of equivalent value, or other forms of approved self-study;

(5) A progressively increasing schedule of wages to be paid the apprentice consistent with the skill acquired. The entry wage shall be not less than the minimum wage prescribed by the Fair Labor Standards Act, where applicable, unless a higher wage is required by other applicable Federal law, State law, respective regulations, or by collective bargaining agreement;

(6) Periodic review and evaluation of the apprentice's progress in job performance and related instruction; and the maintenance of appropriate progress records;

(7) The numeric ratio of apprentices to journeymen consistent with proper supervision, training, and continuity of employment, and applicable provisions in

collective bargaining agreements, except where such ratios are expressly prohibited by the collective bargaining agreements. The ratio language shall be specific and clear as to application in terms of jobsite, work force, department or plant;

(8) A probationary period reasonable in relation to the full apprenticeship term, with full credit given for such period toward completion of apprenticeship;

(9) Adequate and safe equipment and facilities for training and supervision, and safety training for apprentices on the job and in related instruction;

(10) The required minimum qualifications for persons entering an apprenticeship program, with an eligible starting age not less than 16 years;

(11) The placement of an apprentice under an apprenticeship agreement as required by the State apprenticeship law and regulations, or the Bureau where no such State law or regulation exists. The agreement shall directly, or by reference, incorporate the standards of the program as part of the agreement;

(12) Grant of advanced standing or credit for previously acquired experience, training, skills, or aptitude for all applicants equally, with commensurate wages for any progression step so granted;

(13) Transfer of employer's training obligation when the employer is unable to fulfill his obligation under the apprenticeship agreement to another employer under the same program with consent of the apprentice and apprenticeship committee or program sponsor;

(14) Assurance of qualified training personnel;

(15) Recognition for successful completion of apprenticeship evidenced by an appropriate certificate;

(16) Identification of the registration agency;

(17) Provision for the registration, cancellation and deregistration of the program; and requirement for the prompt submission of any modification or amendment thereto;

(18) Provision for registration of apprenticeship agreements, modifications, and amendments; notice to the registration office of persons who have successfully completed apprenticeship programs; and notice of cancellations, suspensions and terminations of apprenticeship agreements and causes therefor;

(19) Authority for the termination of an apprenticeship agreement during the probationary period by either party without stated cause;

(20) A statement that the program will be conducted, operated and administered in conformity with applicable provisions of 29 CFR Part 30, as amended, or a State EEO in apprenticeship plan adopted pursuant to 29 CFR Part 30 and approved by the Department;

(21) Name and address of the appropriate authority under the program to receive, process and make disposition of complaints;

(22) Recording and maintenance of all records concerning apprenticeship as may be required by the Bureau or recognized State Apprenticeship Agency and other applicable law.

§ 29.6 Apprenticeship agreement.

The apprenticeship agreement shall contain explicitly or by reference:

(a) Names and signatures of the contracting parties (apprentice, and the program sponsor or employer), and the signature of a parent or guardian if the apprentice is a minor.

(b) The date of birth of apprentice.

(c) Name and address of the program sponsor and registration agency.

(d) A statement of the trade or craft in which the apprentice is to be trained, and the beginning date and term (duration) of apprenticeship.

(e) A statement showing (1) the number of hours to be spent by the apprentice in work on the job, and (2) the number of hours to be spent in related and supplemental instruction which is recommended to be not less than 144 hours per year.

(f) A statement setting forth a schedule of the work processes in the trade or industry divisions in which the apprentice is to be trained and the approximate time to be spent at each process.

(g) A statement of the graduated scale of wages to be paid the apprentice and whether or not the required school time shall be compensated.

(h) Statements providing:

(1) For a specific period of probation during which the apprenticeship agreement may be terminated by either party to the agreement upon written notice to the registration agency;

(2) That, after the probationary period, the agreement may be suspended, cancelled, or terminated for good cause, with due notice to the apprentice and a reasonable opportunity for corrective action, and with written notice to the apprentice and to the registration agency of the final action taken.

(i) A reference incorporating as part of the agreement the standards of the apprenticeship program as it exists on the date of the agreement and as it may be amended during the period of the agreement.

(j) A statement that the apprentice will be accorded equal opportunity in all phases of apprenticeship employment and training, without discrimination because of race, color, religion, national origin, or sex.

(k) Name and address of the appropriate authority, if any, designated under the program to receive, process and make disposition of controversies or differences arising out of the apprenticeship agreement when the controversies or differences cannot be adjusted locally or resolved in accordance with the established trade procedure or applicable collective bargaining provisions.

§ 29.7 Deregistration of Bureau-registered program.

Deregistration of a program may be effected upon the voluntary action of the sponsor by a request for cancellation of the registration, or upon reasonable cause, by the Bureau instituting formal deregistration proceedings in accordance with the provisions of this part.

(a) *Request by sponsor.* The registration officer may cancel the registration of an apprenticeship program by written acknowledgement of such request stating, but not limited to, the following matters:

(1) The registration is canceled at sponsor's request, and effective date thereof;

(2) That, within 15 days of the date of the acknowledgment, the sponsor shall notify all apprentices of such cancellation and the effective date; that such cancellation automatically deprives the apprentice of his/her individual registration; and that the deregistration of the program removes the apprentice from coverage for Federal purposes which require the Secretary of Labor's approval of an apprenticeship program.

(b) *Formal deregistration.*—(1) *Reasonable cause.* Deregistration proceedings may be undertaken when the apprenticeship program is not conducted, operated, and administered in accordance with the registered provisions or the requirements of this part, except that deregistration proceedings for violation of equal opportunity requirements shall be processed in accordance with the provisions under 29 CFR Part 30, as amended;

(2) Where it appears the program is not being operated in accordance with the registered standards or with requirements of this part, the registration officer shall so notify the program sponsor in writing;

(3) The notice shall (i) be sent by registered or certified mail, with return receipt requested; (ii) state the shortcoming(s) and the remedy required; and (iii) state that a determination of reasonable cause for deregistration will be made unless corrective action is effected within 30 days;

(4) Upon request by the sponsor for good cause, the 30-day term may be extended for another 30 days. During the period for correction, the sponsor shall be assisted in every reasonable way to achieve conformity;

(5) If the required correction is not effected within the allotted time, the registration officer shall send a notice to the sponsor, by registered or certified mail, return receipt requested, stating the following:

(i) The notice is sent pursuant to this subsection;

(ii) Certain deficiencies (stating them) were called to sponsor's attention and remedial measures requested, with dates of such occasions and letters; and that the sponsor has failed or refused to effect correction;

(iii) Based upon the stated deficiencies and failure of remedy, a determination of reasonable cause has been made and the program may be deregistered unless, within 15 days of the receipt of this notice, the sponsor requests a hearing;

(iv) If a request for a hearing is not made, the entire matter will be submitted

to the Administrator, BAT, for a decision on the record with respect to deregistration.

(6) If the sponsor has not requested a hearing, the registration officer shall transmit to the Administrator, BAT, a report containing all pertinent facts and circumstances concerning the nonconformity, including the findings and recommendation for deregistration, and copies of all relevant documents and records. Statements concerning interviews, meetings and conferences shall include the time, date, place, and persons present. The Administrator shall make a final order on the basis of the record before him.

(7) If the sponsor requests a hearing, the registration officer shall transmit to the Secretary, through the Administrator, a report containing all the data listed in paragraph (6) above. The Secretary shall convene a hearing in accordance with § 29.9; and shall make a final decision on the basis of the record before him including the proposed findings and recommended decision of the hearing officer.

(8) At his discretion, the Secretary may allow the sponsor a reasonable time to achieve voluntary corrective action. If the Secretary's decision is that the apprenticeship program is not operating in accordance with the registered provisions or requirements of this part, the apprenticeship program shall be deregistered. In each case in which reregistration is ordered, the Secretary shall make public notice of the order and shall notify the sponsor.

(9) Every order of deregistration shall contain a provision that the sponsor shall, within 15 days of the effective date of the order, notify all registered apprentices of the deregistration of the program; the effective date thereof; that such cancellation automatically deprives the apprentice of his/her individual registration; and that the deregistration removes the apprentice from coverage for Federal purposes which require the Secretary of Labor's approval of an apprenticeship program.

§ 29.8 Reinstatement of program registration.

Any apprenticeship program deregistered pursuant to this part may be reinstated upon presentation of adequate evidence that the apprenticeship program is operating in accordance with this part. Such evidence shall be presented to the Administrator, BAT, if the sponsor had not requested a hearing, or to the Secretary, if an order of deregistration was entered pursuant to a hearing.

§ 29.9 Hearings.

(a) Within 10 days of his receipt of a request for a hearing, the Secretary shall designate a hearing officer. The hearing officer shall give reasonable notice of such hearing by registered mail, return receipt requested, to the appropriate sponsor. Such notice shall include (1) a reasonable time and place of hearing, (2) a statement of the provisions of this part pursuant to which the hearing is to be held, and (3) a concise statement of the matters pursuant to which the action forming the basis of the hearing is proposed to be taken.

(b) The hearing officer shall regulate the course of the hearing. Hearings shall be informally conducted. Every party shall have the right to counsel, and a fair opportunity to present his/her case, including such cross-examination as may be appropriate in the circumstances. Hearing officers shall make their proposed findings and recommended decisions to the Secretary upon the basis of the record before them.

§ 29.10 Limitations.

Nothing in this part or in any apprenticeship agreement shall operate to invalidate—

(a) Any apprenticeship provision in any collective bargaining agreement between employers and employees establising higher apprenticeship standards; or

(b) Any special provision for veterans, minority persons or females in the standards, apprentice qualifications or operation of the program, or in the apprenticeship agreement, which is not otherwise prohibited by law, Executive order, or authorized regulation.

§ 29.11 Complaints.

(a) This section is not applicable to any complaint concerning discrimination or other equal opportunity matters; all such complaints shall be submitted, processed and resolved in accordance with applicable provisions in 29 CFR Part 30, as amended, or applicable provisions of a State Plan for Equal Employment Opportunity in Apprenticeship adopted pursuant to 29 CFR Part 30 and approved by the Department.

(b) Except for matters described in paragraph (a) of this section, any controversy or difference arising under an apprenticeship agreement which cannot be adjusted locally and which is not covered by a collective bargaining agreement, may be submitted by an apprentice, or his/her authorized representative, to the appropriate registration authority, either Federal or State, which has registered and/or approved the program in which the apprentice is enrolled, for review. Matters covered by a collective bargaining agreement are not subject to such review.

(c) The complaint, in writing and signed by the complainant, or authorized representative, shall be submitted within 60 days of the final local decision. It shall set forth the specific matter(s) complained of, together with all relevant facts and circumstances. Copies of all pertinent documents and correspondence shall accompany the complaint.

(d) The Bureau or recognized State Apprenticeship Agency, as appropriate, shall render an opinion within 90 days after receipt of the complaint, based upon such investigation of the matters submitted as may be found necessary, and the record before it. During the 90-day period, the Bureau or State agency shall make reasonable efforts to effect a satisfactory resolution between the parties involved. If so resolved, the parties shall be notified that the case is closed. Where an opinion is rendered, copies of same shall be sent to all interested parties.

(e) Nothing in this section shall be construed to require an apprentice to use the review procedure set forth in this section.

(f) A State Apprenticeship Agency may adopt a complaint review procedure differing in detail from that given in this section provided it is proposed and has been approved in the recognition of the State Apprenticeship Agency accorded by the Bureau.

§ 29.12 Recognition of State agencies.

(a) Recognition of a State Apprenticeship Agency or State Apprenticeship Council (SAC), for Federal purposes, may be accorded by the Bureau upon submission and approval of the following:

(1) An acceptable State apprenticeship law (or Executive order), and regulations adopted pursuant thereto;

(2) Acceptable composition of the State Apprenticeship Council (SAC);

(3) An acceptable State Plan for Equal Employment Opportunity in Apprenticeship;

(4) A description of the basic standards, criteria, and requirements for program registration and/or approval; and

(5) A description of policies and operating procedures which depart from or impose requirements in addition to those prescribed in this part.

(b) *Basic requirements.* Generally the basic requirements under the matters covered in paragraph (a) of this section shall be in conformity with applicable requirements as set forth in this part. Acceptable State provisions shall:

(1) Establish the apprenticeship agency in (i) the State Department of Labor, or (ii) in that agency of State government having jurisdiction of laws and regulations governing wages, hours, and working conditions, or (iii) that State agency presently recognized by the Bureau, with a State official empowered to direct the apprenticeship operation;

(2) Require that the State Apprenticeship Council be composed of persons familiar with apprenticeable occupations and an equal number of representatives of employer and of employee organizations and may include public members who shall not number in excess of the number named to represent either employer or employee organizations. Each representative so named shall have one vote. Ex officio members may be added to the council but they shall have no vote except where such members have a vote according to the established practice of a presently recognized council. If the State official who directs the apprenticeship operation is a member of the council, provision may be made for the official to have a tie-breaking vote;

(3) Clearly delineate the respective powers and duties of the State official and of the council;

(4) Clearly designate the officer or body authorized to register and deregister apprenticeship programs and agreements;

(5) Establish policies and procedures to promote equality of opportunity in apprenticeship programs pursuant to a State Plan for Equal Employment Opportunity in Apprenticeship which adopts and implements the requirements of 29 CFR Part 30, as amended, and to require apprenticeship programs to operate in conformity with such State Plan and 29 CFR Part 30, as amended;

(6) Prescribe the contents of apprenticeship agreements;

(7) Limit the registration of apprenticeship programs to those providing training in "apprenticeable" occupations as defined in § 29.4;

(8) Provide that apprenticeship programs and standards of employers and unions in other than the building and construction industry, which jointly form a sponsoring entity on a multistate basis and are registered pursuant to all requirements of this part by any recognized State Apprenticeship Agency/Council or by the Bureau, shall be accorded registration or approval reciprocity by any other State Apprenticeship Agency/Council or office of the Bureau if such reciprocity is requested by the sponsoring entity;

(9) Provide for the cancellation, deregistration and/or termination of approval of programs, and for temporary suspension, cancellation, deregistration and/or termination of approval of apprenticeship agreements; and

(10) Provide that under a program proposed for registration by an employer or employers' association, and where the standards, collective bargaining agreement or other instrument provides for participation by a union in any manner in the operation of the substantive matters of the apprenticeship program, and such participation is exercised, written acknowledgement of union agreement or "no objection" to the registration is required. Where no such participation is evidenced and practiced, the employer or employers' association shall simultaneously furnish to the union, if any, which is the collective bargaining agent of the employees to be trained, a copy of its application for registration and of the apprenticeship program. The State agency shall provide a reasonable time period of not less than 30 days nor more than 60 days for receipt of union comments, if any, before final action on the application for registration and/or approval.

(c) *Application for recognition.* A State Apprenticeship Agency/Council desiring recognition for Federal purposes shall submit to the Administrator, BAT, the documentation specified in § 29.12 (a) of this part within 120 days of the effective date of these regulations. An extension of time for such submission may be granted by the Administrator for good cause upon formal request by the State agency.

(d) *Appeal from denial of recognition.* The denial by the Administrator of a State agency's application for recognition under this part shall be in writing and shall set forth the reasons for the denial. The notice of denial shall be sent to the applicant by certified mail, return receipt requested. The applicant may appeal such a denial to the Secretary by mailing or otherwise furnishing to the Administrator, within 30 days of receipt of the denial, a notice of appeal addressed to the Secretary and setting forth the following items:

(1) A statement that the applicant appeals to the Secretary to reverse the Administrator's decision to deny its application;

(2) The date of the Administrator's decision and the date the applicant received the decision;

(3) A summary of the reasons why the applicant believes that the Administrator's decision was incorrect;

(4) A copy of the application for recognition and subsequent modifications, if any;

(5) A copy of the Administrator's decision of denial. Within 10 days of receipt of a notice of appeal, the Secretary shall assign an Administrative Law Judge to conduct hearings and to recommend findings of fact and conclusions of law. The proceedings shall be informal, witnesses shall be sworn, and the parties shall have the right to counsel and of cross-examination.

The Administrative Law Judge shall submit the recommendations and conclusions, together with the entire record to the Secretary for final decision. The Secretary shall make his final decision in writing within 30 days of the Administrative Law Judge's submission. The Secretary may make a decision granting recognition conditional upon the performance of one or more actions by the applicant. In the event of such a conditional decision, recognition shall not be effective until the applicant has submitted to the Secretary evidence that the required actions have been performed and the Secretary has communicated to the applicant in writing that he is satisfied with the evidence submitted.

(e) *State apprenticeship programs.* (1) An apprenticeship program submitted for registration with a State Apprenticeship Agency recognized by the Bureau shall, for Federal purposes, be in conformity with the State apprenticeship law, regulations, and with the State Plan for Equal Employment Opportunity in Apprenticeship as submitted to and approved by the Bureau pursuant to 29 CFR 30.15, as amended;

(2) In the event that a State Apprenticeship Agency is not recognized by the Bureau for Federal purposes, or that such recognition has been withdrawn, or if no State Apprenticeship Agency exists, registration with the Bureau may be requested. Such registration shall be granted if the program is conducted, administered and operated in accordance with the requirements of this part and the equal opportunity regulation in 29 CFR Part 30, as amended.

§ 29.13 Derecognition of State agencies.

The recognition for Federal purposes of a State Apprenticeship Agency or State Apprenticeship Council (hereinafter designated "respondent"), may be withdrawn for the failure to fulfill, or operate in conformity with, the requirements of this part. Derecognition proceedings for reasonable cause shall be instituted in accordance with the following:

(a) Derecognition proceedings for failure to adopt or properly enforce a State Plan for Equal Employment Opportunity in Apprenticeship shall be processed in accordance with the procedures prescribed in 29 CFR 30.15.

(b) For causes other than those under paragraph (a) above, the Bureau shall notify the respondent and appropriate State sponsors in writing, by certified mail, with return receipt requested. The notice shall set forth the following:

(1) That reasonable cause exists to believe that the respondent has failed to fulfill or operate in conformity with the requirements of this part;

(2) The specific areas of nonconformity;

(3) The needed remedial measures; and

(4) That the Bureau proposes to withdraw recognition for Federal purposes unless corrective action is taken, or a hearing request mailed, within 30 days of the receipt of the notice.

(c) If, within the 30-day period, respondent:

(1) Complies with the requirements, the Bureau shall so notify the respondent and State sponsors, and the case shall be closed;

(2) Fails to comply or to request a hearing, the Bureau shall decide whether recognition should be withdrawn. If the decision is in the affirmative, the Administrator shall forward all pertinent data to the Secretary, together with the findings and recommendation. The Secretary shall make the final decision, based upon the record before him.

(3) Requests a hearing, the Administrator shall forward the request to the Secretary, and the procedures under § 29.9 shall be followed, with notice thereof to the State apprenticeship sponsors.

(d) If the Secretary determines to withdraw recognition for Federal purposes, he shall notify the respondent and the State sponsors of such withdrawal and effect public notice of such withdrawal. The notice to the sponsors shall state that, 30 days after the date of the Secretary's order withdrawing recognition of the State agency, the Department shall cease to recognize, for Federal purposes, each apprenticeship program registered with the State agency unless, within that time, the State sponsor requests registration with the Bureau. The Bureau may grant the request for registration contingent upon its finding that the State apprenticeship program is operating in accordance with the

requirements of this part and of 29 CFR Part 30, as amended. The Bureau shall make a finding on this issue within 30 days of receipt of the request. If the finding is in the negative, the State sponsor shall be notified in writing that the contingent Bureau registration has been revoked. If the finding is in the affirmative, the State sponsor shall be notified in writing that the contingent Bureau registration is made permanent.

(e) If the sponsor fails to request Bureau registration, or upon a finding of noncompliance pursuant to a contingent Bureau registration, the written notice to such State sponsor shall further advise the recipient that any actions or benefits applicable to recognition "for Federal purposes" are no longer available to participants in its apprenticeship program.

(f) Such notice shall also direct the State sponsor to notify, within 15 days, all its registered apprentices of the withdrawal of recognition for Federal purposes; the effective date thereof; and that such withdrawal removes the apprentice from coverage under any Federal provision applicable to his/her individual registration under a program recognized or registered by the Secretary of Labor for Federal purposes.

(g) A State Apprenticeship Agency or Council whose recognition has been withdrawn pursuant to this part may have its recognition reinstated upon presentation of adequate evidence that it has fulfilled, and is operating in accordance with, the requirements of this part.

Signed at Washington, D.C., this 15th day of October 1976.

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

[FR Doc.76-30702 Filed 10-18-76;8:45 am]

federal register

TUESDAY, OCTOBER 19, 1976

PART V:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

■

VITAMIN AND MINERAL PRODUCTS

Labeling and Composition Regulations

Title 21—Food and Drugs

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

[Docket No. 75N-0107]

PART 80—DEFINITIONS AND STANDARDS OF IDENTITY FOR FOODS FOR SPECIAL DIETARY USES

PART 125—LABEL STATEMENTS CONCERNING DIETARY PROPERTIES OF FOOD PURPORTING TO BE OR REPRESENTED FOR SPECIAL DIETARY USES

Vitamin and Mineral Products

The Food and Drug Administration (FDA) is issuing final revised regulations governing the labeling and composition of dietary supplements and other foods which purport or are represented to be for special dietary use because of vitamin and/or mineral properties, in compliance with remand directions by the United States Court of Appeals for the Second Circuit, *National Nutritional Foods Assn.* v. *Food and Drug Administration,* 504 F.2d 761 (2d Cir. 1974), and in compliance with new amendments to the Federal Food, Drug, and Cosmetic Act concerning vitamins and minerals. Voluntary compliance with these regulations may begin October 19, 1976 and all products initially introduced into interstate commerce on or after January 1, 1978, shall fully comply.

A. History

In the Federal Register of August 2, 1973 (38 FR 20708, 20730), the Commissioner of Food and Drugs established new regulations to govern the labeling and composition of dietary supplements and other foods that purport or are represented to be for special dietary use because of vitamin and/or mineral properties in §§ 80.1, 125.1, 125.2, and 125.3 (21 CFR 80.1, 125.1, 125.2, 125.3). Subsequently, 15 petitions for review of these regulations were filed in various United States courts of appeals, and all petitions were eventually consolidated in the United States Court of Appeals for the Second Circuit. After extensive briefing and argument, that Court rendered judgment on August 15, 1974 (*National Nutritional Foods Association* v. *Food and Drug Administration,* 504 F.2d 761 (2d Cir. 1974)). While the Court stated that it was "broadly sustaining the regulations" (504 F.2d 786), it nevertheless remanded the regulations to FDA for certain further action. A copy of the Court's judgment is on file with the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852.

A petition for certiorari, asking the United States Supreme Court to review the decision by the Court of Appeals, was filed by petitioners in 2 of the 15 petitions for review which had been consolidated before the Second Circuit. On February 24, 1975, the Supreme Court denied the petition for certiorari (420 U.S. 946). Accordingly, by a document published in the Federal Register of May 28, 1975 (40 FR 23244), FDA began the process of compliance with the remand directions of the Court of Appeals. Pursuant to those directions, the May 28, 1975 document addressed three separate matters:

1. *Applications for additional formulations.* The August 2, 1973 regulations established definitions and standards of identity for dietary supplements of vitamins and minerals which would have permitted five basic types of preparations (a multivitamin and multimineral supplement, a multivitamin supplement, a multimineral supplement, a multivitamin supplement with iron, and a supplement consisting of any single vitamin or mineral) and specified certain mandatory and optional vitamins and minerals for inclusion in multinutrient supplements. While the Court of Appeals upheld FDA's authority, pursuant to section 304 of the act (21 U.S.C. 341), to establish definitions and standards of identity for dietary supplements of vitamins and minerals, it directed FDA to receive and consider applications for additional formulations of dietary supplements to be permitted by the regulations. Therefore, in the May 28, 1975 document, the Commissioner invited applications from any interested persons who desired that additional formulations of dietary supplements of vitamins and/or minerals be permitted under the regulations. The applications received and the Commissioner's action thereon are discussed below in section B.

2. *Reopening of hearing.* The Court's decision also instructed FDA to reopen the administrative hearing on which the regulations were based, for the limited purpose of permitting cross-examination of one witness. Accordingly, the May 28, 1975 document gave preliminary notice of reopening of the hearing. The reopened hearing was held at FDA headquarters in Rockville, Maryland, from November 10 through 17, 1975. The report and recommended order of the Administrative Law Judge was entered on February 20, 1976. Thereafter, hearing participants filed exceptions to the report and recommended order. The reopened hearing, the report and recommended order of the Administrative Law Judge, and the Commissioner's action upon the exceptions filed by the hearing participants in response to the report and recommended order are discussed below in section C.

3. *Other amendments to the regulations pursuant to the decision by the Court of Appeals.* After careful consideration of the Court of Appeals' decision, the Commissioner concluded that a number of revisions should be made in the regulations. Accordingly, several tentative amendments to the regulations were published in the May 28, 1975 document. In the same document, the Commissioner explained his rationale for the tentative amendments and invited interested persons to file exceptions. The exceptions received and the Commissioner's action thereon are discussed below in section D.

4. *The 1976 Vitamin and Mineral Amendments to the Federal Food, Drug, and Cosmetic Act.* While FDA was in the process of revising the vitamin/mineral regulations pursuant to the remand directions of the Court of Appeals, Congress enacted new legislation (Pub. L. 94-278, Title V, April 22, 1976) that restricts FDA's authority to limit the maximum potency of vitamins and minerals and inclusion of ingredients in dietary supplements which are offered for use by adults (other than pregnant or lactating women) and are recognized as safe. The effect of the new legislation upon FDA's regulations is discussed below in section E.

5. *Other important matters.* In section F below, the Commissioner discusses: (1) the reorganization and recodification of the regulations to improve clarity, (2) the effective date of the regulations, and (3) judicial review.

6. *Final revised regulations.* Finally, pursuant to: (1) his evaluation of the applications for additional formulations, as discussed in section B below, (2) his evaluation of the reopened hearing, as discussed in section C below, (3) his evaluation of the exceptions received in response to the tentative amendments to the vitamin/mineral regulations, as discussed in section D below, (4) the requirements of the 1976 Vitamin and Mineral Amendments to the Federal Food, Drug, and Cosmetic Act, as discussed in section E below, and (5) certain other considerations, as discussed in section F below, the Commissioner issues final revised regulations under §§ 80.1, 125.1, 125.2, and 125.3.

B. Application for Approval of Additional Formulations

In the May 28, 1975 document, the Commissioner invited applications from any interested persons who desired that additional formulations of dietary supplements of vitamins and/or minerals be permitted under § 80.1. The Commissioner advised that applications were invited both for additional combinations of ingredients and/or for increased potency of any vitamin(s) or mineral(s) within a combination. The Commissioner also published tentative amendments to the regulations to permit sale of a dietary supplement consisting of a single vitamin or mineral without limit on maximum potency as long as the preparation is generally recognized as safe, as discussed in section D below.

The Commissioner originally provided that such applications must be filed with FDA by July 14, 1975. However, pursuant to requests for extension of time for filing of such applications, the deadline for filing was subsequently extended until August 29, 1975 by notice published in the Federal Register of July 10, 1975 (40 FR 29089).

Applications were received for a total of 73 dietary supplement formulations by the close of the extended time period allotted for the filing of applications. On April 29, 1976, the FDA Bureau of Foods Assistant Associate Director for Nutrition and Consumer Sciences forwarded to the Acting Associate Director a report on the "Applications for Additional Diet-

ary Supplement Formulations." The report considered all submissions that had been received (including some submissions received after the August 29, 1975, deadline), and it recommended that eight additional formulations be authorized.

However, the recommendations contained in the report were generally rendered moot by the enactment of the 1976 Vitamin and Mineral Amendments to the Federal Food, Drug, and Cosmetic Act. The new legislation prevents FDA from limiting the inclusion of ingredients or maximum potency of vitamins and minerals in dietary supplement formulations (intended for ingestion in tablet, capsule, droplet or other form not simulating or represented as conventional food) that are offered for use by adults, other than pregnant or lactating women, and are recognized as safe. (The new legislation is discussed in detail in section E below.) The regulations are revised below to conform to the restrictions imposed upon FDA by the new legislation, i.e., the regulations no longer limit the inclusion of ingredients or maximum potency of vitamins and/or minerals in dietary supplement formulations (intended for ingestion in tablet, capsule, droplet or other form not simulating or represented as conventional food) that are represented for use by adults, other than pregnant or lactating women, and are recognized as safe. Accordingly, there is not need for the Commissioner to rule upon the merits of most of the preparations for which applications were filed because, with respect to most such preparations, the regulations no longer purport to establish a limited number of approved formulations.

However, because the Commissioner believes that the report prepared by the Assistant Associate Director for Nutrition and Consumer Sciences may be useful to the public, the Commissioner has determined to make it available. As an intra-agency memorandum making recommendations for action by the FDA, this document would not be required to be disclosed under the Freedom of Information Act. However, in the exercise of his discretion, the Commissioner has forwarded a copy of the document to the office of the Hearing Clerk, Food and Drug Administration, where it will be available for public scrutiny; copies may be requested at cost. (The report is not an official statement of FDA policy; indeed, the Commissioner might not have accepted its recommendations. Yet, as a comprehensive review of a controversial matter by informed agency staff, it should be of interest and use to the public.)

A few of the applications concerned preparations that are not automatically authorized by the new vitamin/mineral legislation. The new legislation does not apply, for example, to preparations represented for use by persons under the age of 12 years, by pregnant or lactating women, or by individuals in the treatment or management of specific diseases or disorders. The Commissioner's action on these applications is as follows:

1. *Dietary supplement of vitamins A, D, and C for infants and young children.* Three applications were for a pediatric dietary supplement preparation containing vitamins A, D, and C. One of these applications requested inclusion of vitamin E; another requested optional inclusion of iron. The Commissioner agrees that a dietary supplement should be authorized which provides vitamins A, D, and C for infants and young children, with provision for optional inclusion of vitamin E and/or iron.

The combination of vitamins A, D, and C has been recommended for patient use by pediatricians for many years. This combination is appropriate for use as a dietary supplement in those cases when non-breast-fed infants receive unfortified fat-free milk formulas which lack sufficient quantities of these nutrients. The American Academy of Pediatrics has long recognized this kind of preparation as a desirable combination for supplementing the diets of some infants and young children.

The need for supplemental amounts of iron and vitamin E is based on a similar rationale, and pediatric practice has favored having the option of providing iron and vitamin E along with vitamins A, D, and C. Low birth weight infants, especially prematurely born infants, may be prone to develop an anemia due to inadequate stores of body iron. Similarly, stores of vitamin E at birth are commonly less for the premature than for the full-term infant, and early provision for vitamin E sufficiency in these infants is desirable to minimize the risk of hemolytic anemia. Because of these potential risks, it is appropriate to provide for the optional inclusion of vitamin E and iron in the vitamins A, D, and C supplement. The regulations have been amended below to provide for such a preparation.

2. *Dietary supplement for pregnant women (a prenatal preparation).* An application was received for a "prenatal dietary supplement" that would deviate from the present formulation authorized by § 80.1 for pregnant or lactating women only in that the range of vitamin B_6 would be increased from 2–4 mg to 10–40 mg. This proposed change was supported by general statements that "pregnancy results in abnormal tryptophan metabolism," and that production of tryptophan metabolites formed during this period are "normalized by high intake of vitamin B_6." The only evidence cited which appeared to support this assertion was a short article in Lancet by an investigator associated with the Indian Council of Medical Research, Hyderabad, India (Iyengar, L., "Oral Lesions in Pregnancy," Lancet, 1: 680–681, 1973). However, after examination of this article, it was concluded that it did not support the petitioner's hypothesis. The author of the article summarized by saying that the results of her investigation "suggest that oral lesions in pregnancy particularly common in pregnant women of low-income groups in India have a dual origin—both pyridoxine and riboflavin having aetiological roles."

The Commissioner concludes that it would be contrary to sound public health policy to authorize such a great increase (5 to 10 times) in vitamin B_6 in preparations represented for use by pregnant women without more supporting data.

3. *Vitamin/mineral preparation for women taking estrogens.* Two applications were received for multinutrient supplements for women taking estrogen-containing oral contraceptives or other estrogen preparations. The Commissioner recognizes that use of estrogen preparation may affect the body's nutrient needs. However, vitamin/mineral preparations intended to meet such needs are adjuncts to prescription drug therapy, since estrogen preparations are available only on prescription. The Commissioner believes that vitamin/mineral preparations taken to meet special vitamin or mineral needs occasioned by drug therapy should be considered drugs. The Commissioner will await receipt of the recommendations of the Panel on OTC (over-the-counter) Vitamin, Mineral, and Hematinic Drug Products before making any determination about appropriate nutrient preparations for use by women taking estrogen-containing drugs. In the meantime, the Commissioner will regard safe and nutritionally rational vitamin and/or mineral preparations represented for use by women taking estrogen-containing drugs to be appropriate for sale as over-the-counter drugs, and thus not subject to the formulation restrictions imposed by the dietary supplement (special dietary food) regulations issued below.

In summary, it is unnecessary to rule on most of the applications received for additional formulations of dietary supplements because the regulations issued below have been revised to conform to the requirements of the 1976 Vitamin and Mineral Amendments to the Federal Food, Drug, and Cosmetic Act; i.e., the regulations no longer impose limits on the inclusion of ingredients or maximum potency of vitamins and minerals in most dietary supplement products that are offered for use by adults, other than pregnant or lactating women, and are recognized as safe. The regulations have, however, been amended to authorize an additional pediatric dietary supplement consisting of vitamins A, D, and C (with provision for the optional inclusion of vitamin E and/or iron) represented for use by infants and children under 4 years old.

C. Reopened Hearing

The Court of Appeals remanded the regulations to FDA "with instructions to reopen the record for the limited purpose of permitting reasonable cross-examination of Dr. [William H.] Sebrell (or, if he is not available, some other qualified member of the [Food and Nutrition] Board [of the National Academy of Sciences]) by Dr. [Miles H.] Robinson or counsel of some other similarly interested participants" (504 F. 2d at 799).

A preliminary notice of reopening of hearing was published in the May 28, 1975 document, which advised inter alia that the hearing would be reopened pursuant to the Court's direction and that Dr. Alfred E. Harper, Professor of Nutri-

tion Sciences and Biochemistry and Chairman of the Department of Nutritional Sciences, University of Wisconsin, would be made available for examination. As explained in the preliminary notice, Dr. Sebrell was no longer a member of the Food and Nutrition Board, and arrangements were made to call instead Dr. Harper, who was Dr. Sebrell's successor as the Chairman of the Committee on Dietary Allowances of the Food and Nutrition Board, serving in that capacity at the time of development and publication of the most recent recommended dietary allowances (RDA's) contained in the (eighth) edition of the National Academy of Sciences/National Research Council's "Recommended Dietary Allowances."

The Notice of Reopening of Hearing was published in the FEDERAL REGISTER of September 30, 1975 (40 FR 44857). Inter alia, the notice stated that Dr. Harper would be available to "respond to inquiry by those opposed to the regulations, concerning: (a) the methodology employed in development of the recommended dietary allowances by the Board and the scientific foundation upon which these allowances are based, (b) the scientific appropriateness of Food and Drug Administration use of the Board's recommended dietary allowances, and (c) possible biases or conflicts of interest on the part of the Board, as well as any other subjects deemed by the Administrative Law Judge to be relevant to the examination mandated by the Court of Appeals."

The presiding officer at the hearing was Administrative Law Judge Daniel J. Davidson. A prehearing conference was held by Judge Davidson on October 31, 1975, and the reopened hearing was held from November 10 through 17, 1975.

Twenty-one parties appeared at the hearing. Pursuant to the terms of the remand by the Court of Appeals, Dr. Miles H. Robinson took a leading role in the examination of Dr. Harper. However, examination was not restricted to Dr. Robinson, and several other participants also engaged in examination.

On February 20, 1976, Judge Davidson entered in the docket his report and recommended order on the reopened hearing. Judge Davidson's "ultimate findings and order" were as follows:

(1) Alleged biases and/or conflicts of interests of the witness or other members of the Food and Nutrition Board have not been established in any degree which might reasonably be interpreted as affecting the judgment of the witness or other members of the Board in determining the RDA's.

(2) Although the Board determined the RDA's as a guide to sound nutrition for a healthy population, and not as standards for regulatory purposes, there is nothing inconsistent or unsound in using the RDA's as a basis for regulatory determinations [sic] as to labeling and nutritional content requirements, and

(3) Information adduced through detailed cross-examination into the scientific basis and methodology utilized by the Board in determining the RDA's does not require adoption of regulations differing from those published.

Thereafter, exceptions to the report and recommended order were filed by hearing participants. All exceptions have been examined with care, and, as discussed in detail below, the Commissioner has concluded that the examination of Dr. Harper at the reopened hearing has given no cause for revision of the regulations; he accepts the report and recommended order by Judge Davidson without change. Thus, no revision arising out of the reopened hearing has been made in the regulations. (The regulations have, however, been revised extensively for other reasons, i.e., because of the limitations on FDA authority imposed by the 1976 Vitamin and Mineral Amendments to the Federal Food, Drug, and Cosmetic Act, as discussed in section E below, because of exceptions received in response to the tentative amendments to the regulations published May 28, 1975, as discussed in section D below, and pursuant to applications for additional formulations, as discussed in section B above.)

The transcript of the prehearing conference and of the reopened hearing, the report and recommended order of Judge Davidson, and all briefs, exhibits, exceptions, and other memoranda filed by the hearing participants are available for public inspection in the office of the Hearing Clerk, Food and Drug Administration.

After enactment of the 1976 Vitamin and Mineral Amendments to the Federal Food, Drug, and Cosmetic Act, which generally prohibit the Commissioner from imposing maximum limits on potency of a dietary supplement (discussed below, section E), the Commissioner considered whether it might no longer be necessary to rule upon the exceptions received in response to the report and recommended order of the Administrative Law Judge, in that the Court of Appeals, in remanding the regulations with directions to reopen the hearing, had stated that the remand would not have been necessary if the U.S. Recommended Daily Allowances (U.S. RDA's) had not been used to limit potency:

> As earlier noted, several petitioners do not object to the basic requirement of § 125.3(a), that "the label shall bear a statement of the percentage of the U.S. RDA of such vitamins and minerals, as set forth in § 125.1(b), supplied by such food when consumed in a specific quantity during a period of 1 day." * * *. In any event we see no infirmity in it. Whatever objections there may be to the U.S. RDA's when used as a basis for prohibiting the sale as dietary supplements of products exceeding the upper limits—and we have sustained these only because of the blatantly erroneous restriction on the cross-examination of Dr. Sebrell * * * they have no such force when the U.S. RDA's are used simply as measuring rods to inform the consumer what he is getting. (504 F. 2d 799.)

However, since the reopened hearing had been concluded and exceptions had already been filed by the time the new legislation was enacted, the Commissioner determined that he should complete the hearing process and review the record and the exceptions received to determine whether any evidence had been brought forth which might impugn the U.S. RDA's. Accordingly, the exceptions filed with the Commissioner in response to the report and recommended order of Administrative Law Judge Daniel J. Davidson, and the Commissioner's conclusions in response thereto, are discussed below:

1. *Allegations of bias and conflict of interest.* Dr. Miles H. Robinson, representing himself and the Federation of Homemakers, Ms. Mary S. Hill, Mr. Ralph P. Glaser, Mr. Karl F. Lutz, Ms. Janie A. Meeter, and the National Health Federation, took exception to the Administrative Law Judge's finding that the alleged bias and/or conflict of interest of Dr. Harper or other members of the Food and Nutrition Board was not established in any degree that might reasonably be interpreted as affecting their judgment (Tr. 32530–32532, 32558, 32535–32536, 32798, 32498, 32500, 32502, 32506, 32999, 32523, 32525–32527, 32518, 32593–32594, 32589, 32719–32721, 32585, 33033–33034, 32804, 32801–32802, P–1164, P–1165, pp. 3, 16, 18, 21, 22, 75, 76). However, the examination of Dr. Harper demonstrated that this exception is without merit (Tr. 32498–32506, 32518, 32530–32532, 32535–32537, 32798–32799, 32512–32514, 32516, 32518–32519, 32523–32527, 32558, 32506–32507, 32589, 32573, 32582–32585, 32719–32722, 32726, 32999, 33030, 33033–33041, 32802, 32804–32807, 32828–32830, 32833, 32590, 32815–32818, 32821–32824). Dr. Harper testified that he did not know of any occasion when anyone on the Food and Nutrition Board had been influenced by any member of the food industry in the setting of the National Academy of Sciences/National Research Council's Recommended Dietary Allowances and further explained that there were policies adopted by the Committee on Dietary Allowances (hereafter "the Committee") to ensure that its members were not influenced by the food industry[1] (Tr. 32589, 33381–33385).

One particular allegation was that Dr. Harper was the first professor at the Massachusetts Institute of Technology (hereafter "MIT") to receive a grant from General Foods Corporation. However, the record shows no conflict of interest. The grant to MIT merely provided funds which MIT ultimately chose to use for Dr. Harper's salary, which, as a tenured professor, he would have received in

[1] The Food and Drug Administration's regulations provide: "The U.S. Recommended Daily Allowances (U.S. RDA's) have been derived by the Food and Drug Administration from the 'Recommended Dietary Allowances,' published by the Food and Nutrition Board, National Academy of Sciences/National Research Council, and are subject to amendment as more knowledge on human nutrient requirements becomes available." (See §§ 80.1(d)(2) and 125.1(b)(2) of the final revised regulations promulgated below, formerly codified in the August 2, 1973 regulations at §§ 80.1(f)(2) and 125.1(b)(1).) The National Academy of Sciences' RDA's are established by the Food and Nutrition Board of the National Academy of Sciences after recommendation of its Committee on Dietary Allowances (Tr. 33314–33317).

any event (Tr. 32523). Dr. Harper was appointed a Professor of Nutrition at MIT before MIT had received any support from General Foods (Tr. 32524), and when he left MIT in 1965, the grant continued to fund that faculty position until 1975 (Tr. 32525). Thus, Dr. Harper's connection with the grant was fortuitous, and the grant provides no sound basis for the allegations of bias and conflict of interest.

It was also alleged that in 1975 General Foods instituted an annual grant of $50,000 to the University of Wisconsin, where Dr. Harper currently teaches, and it was implied that this was somehow connected with Dr. Harper's agreement to testify at the FDA hearing. However, Dr. Harper has no control over the research being funded by the grant (Tr. 32527). It is Dr. W. G. Hoekstra who holds the chair funded by this grant and who controls the use of the money (Tr. 32527–32528). This grant does not present a conflict of interest.

Dr. Robinson, et al., also asserted that a telegram sent to Senator William Proxmire by Dr. Harper demonstrated bias. In this telegram Dr. Harper challenged the accuracy of a speech by the Senator relating to the U.S. RDA's. The exception alleged that during cross-examination Dr. Harper retracted his views expressed in the telegram. The record indicates otherwise (Tr. 32815–32822). Indeed, when asked by Dr. Robinson, Dr. Harper gave a specific example of an inaccuracy in the Senator's speech (32823). The Commissioner concludes that Dr. Harper's telegram was motivated by concern that inaccurate statements had been made about the RDA's, and that such concern for accuracy is not a "bias" which should disqualify a witness.

The exception also alleged that Dr. Harper had consulted with the Searle Drug Company concerning the sweetening substance, Aspartame, which is not a vitamin or mineral. The record indicates that Searle is a drug and chemical manufacturer, not a food processor, and that the company has little, if any, interest in the RDA's (Tr. 32502, 32503, 32507, 32509–32513). There is no evidence of record to suggest that Searle would want to "fix" the RDA's at low levels, as the exception suggests. (As a manufacturer and supplier of food chemicals, it would seem—if interested at all—that the company, as a potential seller of vitamins and minerals, would have a bias in favor of increasing the amount of a vitamin or mineral needed to attain the RDA level.) Nevertheless, the exception maintained that General Foods and other food processors could "exert considerable influence on Dr. Harper through his Aspartame connection to get the kind of RDA's most congenial to their business operations" (Exceptions of Dr. Miles H. Robinson, et al., March 22, 1976, p. B–3). In support of this argument, the exception asserted that General Foods "put up" $15 million toward building an Aspartame plant for Searle. The Commissioner concludes that there is no evidence on the record to support any connection between General Foods and Searle involving any significant interest in dietary allowances for vitamins and minerals, or any other evidence to support the allegations of bias and conflict of interest in this respect.

In sum, the evidence adduced does not show any financial or other interest that would warrant a finding of bias or conflict of interest affecting the judgment of those responsible for developing the RDA's.

2. *Allegations of disregard for "optimum health."* Dr. Miles H. Robinson, et al., took exception to what was characterized as Dr. Harper's "disregard for optimum health." Although the RDA's are set at a level that will be adequate for virtually all normal people in the United States, the exception suggested that the RDA's should be set at a level to provide "optimum health" to most people and that to do otherwise results in the RDA's being set at too low a level (Tr. 32582–32583, 32978, 32976, 32586, 32585). On cross-examination, Dr. Harper explained that "optimum health" is an unscientific term which cannot be defined (Tr. 32573, 32582–32583). Dr. Harper further testified that the RDA's are set at a level that should "be adequate for most, hopefully all, healthy people in the United States" and that since there is "no evidence that increased amounts above what are recommended do anything to improve health," it would be "completely unscientific to propose larger quantities of nutrients for anyone on the basis of sheer rank speculation" (Tr. 32572–32573). Thus, this exception does not demonstrate any fault in the scientific methodology used to establish the RDA's or the appropriateness of the use of the RDA's by FDA to establish U.S. RDA's.

3. *Allegations of improper reliance on the "food supply."* Dr. Miles H. Robinson, et al., took exception to what was claimed to be an improper reliance on the "food supply" as a basis for the RDA's (Tr. 32970, 13125, 3288, 33363, 33397, 32619, 32604–32608, 32525–32527, P–1165, pp. 50, 57, 59, 60, 64, 67, 70). The exception contended that "instead of exercising great care to make use of the most sensitive criteria and biochemical tests of adequate nutrition, with proper reliance on animal experiments and sound statistical analysis * * *, they have in mind a ceiling for RDA's predicated on the total amount of nutrients currently being ingested, divided by the number of people eating them (Tr. 32970)" (Exceptions of Miles H. Robinson, et al., March 22, 1976, p. D–1). This exception is inaccurate and without merit.

The amount of a nutrient in the food supply is only considered where other scientific data are not sufficient. Dr. Harper testified that the average individual requirement of a given nutrient is usually based on available information from experiments on human subjects in which objective criteria indicative of the sufficiency of nutrient intake or lack thereof (e.g., night blindness) are employed and the amount of the nutrient required to meet those objective criteria has been met during the course of the experiment (Tr. 32969). If such data are not available, information concerning the development of nutritional deficiency in a given population coupled with observations of the amounts of nutrients required to prevent, cure, or alleviate the signs or deficiency is then considered (Tr. 32969).

It is only when both of these preferred sources of information referred to in the above paragraph are insufficient, that the quantity of a nutrient provided in the food supply consumed by a particular population group is considered (Tr. 32970). Furthermore, the nutrient requirement figure derived from all considerations is not used as a ceiling for the RDA (Tr. 32969). Individual variability is taken into account. The nutrient requirement figure is adjusted upward, depending on a number of factors including the use of sound statistical analysis, to establish allowances that are ample to meet the needs of the population of the United States (Tr. 32970–32971, 32606, 32672–32674, 32801, 32981, 33071, 33078).

The procedures followed by the Committee on Dietary Allowances and the Food and Nutrition Board in establishing the RDA's were explained in great detail by Dr. Harper (Tr. 33314–33317). The Committee, which is composed of recognized experts specializing in various fields of medicine, nutrition, biochemistry, and food sciences sets RDA values at levels that are determined to be safe and suitable for the maintenance of good health (Tr. 33152). As discussed in the paragraph above, data concerning the amount of a nutrient provided by the food supply are only one of several types of information used by the panel, and this method is scientifically sound.

The exception alleged that the Committee relied improperly on the food supply in establishing RDA's for vitamin E, thiamine, vitamin B_6, and fatty acids. However, the record does not support this allegation. For example, with respect to vitamin E, the exception contended that the Food and Nutrition Board admitted its reliance on the food supply to establish the RDA for vitamin E in the eighth edition of "Recommended Dietary Allowances" (1974) (P–1165). The exception cited a quotation which stated that "allowances are based primarily on the *d-alpha*-tocopherol content of the diets" (Ibid. p. 57). However this quotation, which comes from a discussion of the various tocopherol compounds from which vitamin E activity in food derives, was taken out of context.

The discussion from which this quotation was taken involves the manner in which food is analyzed to determine its vitamin E content. Although there are various tocopherol compounds, because of insufficient analytical data no tocopherol compounds other than *d-alpha*-tocopherol can be considered in dietary calculations. The relative contribution of other less active tocopherol compounds to the total vitamin E activity of diets in the United States has yet to be assessed. Therefore, the discussion con-

cludes that "Until more values are available for the amounts of less active tocopherols and tocotrienols in foods and until the equivalency of these compounds to *d-apha*-tocopherol is better established, allowances are based primarily on the *d-alpha*-tocopherol content of diets" (Ibid. p. 57).

Thus, when this quotation is read in context, it is clear that the vitamin E content in food was not the sole basis for establishing the RDA for vitamin E. The NAS/NRC publication states that the recommended allowance for vitamin E is based "partly on available experimental evidence in man (Horwitt, et al., 1963) and partly on an estimate of the amount of vitamin E considered to be available in the United States food supply (Harris and Embree, 1963)" (Ibid. p. 59).

The exception also pointed out that the RDA for vitamin E was lowered in 1974, and asserted that this was due solely to the Committee's reliance on the vitamin E content of the food supply. However, this reduction in the RDA for vitamin E was also based upon a human study done by Dr. M. K. Horwitt (Tr. 33359). This experiment showed that it was only after 4 years of an intake of 1/7 of the 1968 RDA that any sign of vitamin E deficiency could be detected in red blood cells (Tr. 33359).

The exception also alleged that the Committee ignored sensitive criteria for determining vitamin E deficiency (Tr. 33363, 33397). Although there were more sensitive criteria than were used by Dr. Horwitt in the study previously mentioned, there is no evidence that sensitive criteria were improperly ignored by the Committee in their deliberations or that these criteria should have made a significant difference in establishing the 1974 RDA.

Dr. Harper stated that there were papers referred to by the Committee which involved the hemolysis test which is a more sensitive test (Tr. 33397). In addition, some the studies referred to in the exception were not used because they were irrelevant. Dr. Harper explained that these studies involved testing the use of large doses of vitamin E as an antioxidant to counteract some environmental effect, not as a nutrient (Tr. 33397). Accordingly, the record demonstrates that relevant sensitive criteria were considered by the Committee.

Another alleged example of improper reliance on the food supply cited in the exception was an assertion that the allowances for vitamins E, C, B_{12}, and thiamine for infants are all largely based on what is found in human milk (P–1165, pp. 60, 64, 67). First it should be noted that for vitamin E and thiamine the allowances are also based in part on human studies (Tr. 33352, P–1165, pp. 59, 60, 67). Second, Dr. Harper was cross-examined extensively on the infant level for vitamin E, the vitamin with which he is most familiar, and his testimony demonstrated that the scientific methodology was sound (Tr. 33350–33359). A study conducted by Dr. L. J. Filer, former Chairman of the Food and Nutrition Board, concerning the growth rates of infants fed human milk formula supported the RDA level for vitamin E (Tr. 33354). In the Commisisoner's opinion, the methodology used by the Committee in establishing the RDA's for these vitamins was sound.

It is the Commissioner's conclusion that, to the extent that the Committee has relied on the food supply to establish RDA's, it has done so in accordance with sound scientific principles.

4. *Animal data.* Dr. Miles H. Robinson, et al., asserted that the Committee depended extensively on animal data (P–1165, pp. 5, 38, 39, 41, 46, 49, 50, 56, 66, 69, 70, 71, 76, 77, 79, 80) and took exception to the Committee's rejection of what was characterized in the exception as "crucial animal data" (Tr. 32852–32853, 32873–32877, 32854–32864, 32598, 32601, 32863, 32883–32884, 32851–32852, 32864, 32885–32890, 32892, 32879, 32894, 32525–32527, 32457, 32880, 32898, 32908, 33495, 33503). Mr. Warren R. Biggs made a similar exception to the use of animal data. The Commissioner concludes that the record does not support these exceptions.

The eighth edition of "Recommended Dietary Allowances" (1974) does mention some animal studies, and it appears that animal studies were used to determine the relative effectiveness of various forms of some vitamins (Tr. 32873, 32875) and the availability of some vitamins in food (Tr. 32874). However, it does not appear that such studies were extensively relied upon. Dr. Harper explained the manner in which the Food and Nutrition Board used animal data; he testified that the Food and Nutrition Board does not start with animal values and extrapolate to human values and that it is only after human values are obtained that data derived from animal studies are occasionally used to make comparisons (Tr. 32852–32853, 32883). Furthermore, Dr. Harper testified that even if there is a discrepancy between the animal value and the human value this would not necessarily invalidate the human value (Tr. 32853). Dr. Harper also testified that no animal studies are directly used in estimating the human requirements of vitamins A, D, E, C, folic acid, thiamine, riboflavin, niacin, vitamin B_{12}, phosphorus, iron, magnesium, zinc, iodine, and vitamin B_6 (Tr. 32872–32875).

The cross-examination of Dr. Harper demonstrated that the Committee's approach to the use and nonuse of animal data was sound (Tr. 32851–32853, 32872–32877, 32854–32864, 32598, 32601, 32883–32892, 32879–32880, 32889, 32894–32901, 33495–33503). Dr. Robinson, et al., attempted to show that the Committee had rejected "crucial" animal data that allegedly indicated that the nutrient requirements for certain animals were higher than those recommended for man in the RDA's. This exception relied on a National Academy of Sciences publication entitled "Number 10-Nutrient Requirements in Laboratory Animals" (Exh. 0–936). When asked whether he had relied upon this publication in establishing the RDA's, Dr. Harper testified that he had not (Tr. 32879). Dr. Harper explained that when the Food and Nutrition Board made comparisons between human and animal studies they would rely upon materials containing original experimental data. This publication (Exh. 0–936) was simply a guide for use in feeding animals for laboratory experimentation, and it contained only a summary of experimental data available in scientific literature; it was therefore inadequate to use for comparison (Tr. 32879). Dr. Harper also testified that frequently the figures used in this publication are based upon types of diets that have maintained normal growth in animals and that there has often been no effort made to determine specific requirements (Tr. 32894). Finally, Dr. Harper testified that he did not know of any good summaries of comparative animal requirements (Tr. 32894). The Commissioner concludes that the Committee acted reasonably with respect to animal data. Accordingly, the Administrative Law Judge properly excluded this booklet (Exh. 0–936) and a chart based upon the booklet (Exh. 0–931) from evidence (Tr. 32899–32901).

The exception also claimed that the Committee refused to list RDA figures on a per kilocalorie of food basis because such listing would reveal discrepancies between the RDA's and the animal data in the National Academy of Sciences booklet (Exh. 0–936). In support of this, the exception quoted Dr. Harper as having testified that the Committee "did at one time consider including such a Table (sic) (RDA) bulletin * * * but decided it would be ineffective (too difficult) for the dietician using the bulletin." This is a mischaracterization of the record. Dr. Harper actually said: "We decided such a table was not a very effective way of reporting the values. We did, at one time, consider including such a table in the bulletin, as it might help dieticians * * *. We thought it might help them, and as we looked at it, we found that even for them it probably wouldn't be too helpful" (Tr. 32892). Dr. Harper's actual response does not support the exception, and Dr. Robinson, et al., failed otherwise to establish the necessity or utility of listing RDA figures on a per kilocalorie of food basis.

The exception also alleged that indications from animals demonstrate that nutrient requirements in humans are higher than presently estimated by the Food and Nutrition Board. There is no evidence to support this allegation. Dr. Harper testified repeatedly that there was no evidence that indicates that there are any normal individuals whose needs are not met by the RDA's (Tr. 33030, 33031, 33033, 33051, 33069, 33127–33128). Significantly, Dr. Margaret A. Krikker, the only other licensed physician participating in the hearing, took the position that the RDA's are too high. The Commissioner concludes that there is no reason to believe that significant animal data were improperly ignored or that the RDA's should be any higher than they are.

Exception also was taken to the fact that Dr. Robinson's cross-examination with respect to the nutritional requirements of animals was terminated by the Administrative Law Judge (Tr. 32895, 32898, 32900). Notwithstanding the limited reliance of the Committee on animal data, Dr. Robinson was given wide latitude in cross-examining Dr. Harper on his use of animal data (Tr. 32850–32900). It was only after Dr. Robinson continued to ask questions concerning a booklet (Exh. 0–936), which had already been held inadmissible, that the Administrative Law Judge brought the questioning on animal data to a close (Tr. 32898–32900). The record demonstrates that Dr. Robinson was given reasonable opportunity to cross-examine Dr. Harper on this subject, and the Commissioner concludes that there is no merit to this exception.

Exception also was made to a ruling by Judge Davidson sustaining an objection to a question that asked whether estimates of biotin requirements have been made on animals (Tr. 32877). Judge Davidson properly sustained the objection to this question; even Dr. Robinson agreed at the time that the question was irrelevant (Tr. 32878). Moreover, Dr. Harper later testified that "I don't think information of that type [animal data] would be of any value whatsoever in attempting to estimate a requirement for man [as to biotin] who lives in a normal relatively non-sterile environment" (Tr. 32878–32879). Thus, the record demonstrates that the question was irrelevant.

5. *Statistical methodology used by the committee.* Dr. Miles H. Robinson, et al., took exception to the statistical methodology used by the Committee (Tr. 32608, 32610–32611, 33037, 33612–33613, 32764, 33130, 32789, 33136, 33769, 32770, 33772, 32760, 32761–32762, 33036–33037, 32970, 33040–33041, 33038, 33052, 33059, 33084–33097, 33086–33087, 33100, 33029–33138, 33031–33032, 33034–33036, 33042–33044, 33051, 33054, 33056, 33076, 33065, 33254–33255). A review of Dr. Harper's cross-examination has convinced the Commissioner that the statistical methodology used by the Committee in establishing the RDA's was scientifically sound (Tr. 32608–32613, 33037, 32672–32674, 32764, 33130–33135, 32789, 33136–33137, 32768–32772, 32760–32762, 33031–33046, 32789, 32772, 32970, 33030, 33052, 33059, 33082, 33084–33097, 33100, 33136, 33109–33111, 33117, 33029–33138, 33051, 33054, 33056, 33076, 33065, 33254–33255).

The exception alleged that the Committee arbitrarily and incorrectly assumed a 15-percent coefficient of variation. However, the record shows the 15-percent figure was not arbitrarily assumed, but was based on a wide variety of biological measurements in individual studies in which the coefficient of variation came out to be 15 percent (Tr. 32612–32613, 32672–32674). There were other appropriate references relied on in arriving at this figure (Tr. 33132–33135). Dr. Harper testified that he thought 15 percent was a reasonable figure, and that if there had been sound evidence for employing a different coefficient of variation for any nutrient, such a figure would have been employed (Tr. 32789).

The exception attempted to show that the coefficient of variation for protein varied between 17 and 27 percent based upon a book by Dr. Henry C. Sherman published in 1941. However, Dr. Harper explained that most of the work on which the coefficient of variation for protein was based had been done after 1941 by Dr. D. Mark Hegsted and Dr. Fredrick J. Stare and their associates at Harvard, by Dr. Nevin S. Scrimshaw and his associates at MIT, and by Dr. Doris H. Calloway and her associates at Berkeley (Tr. 32772). The experiments relied on by Dr. Sherman were very early experiments in which no effort was made to determine the minimum or average requirement (Tr. 32772). While Dr. Harper stated that Dr. Sherman's statistical treatment was sound, he noted that the experiments available to Dr. Sherman were done between 1890 and 1938, that there was quite a range of intake among the different subjects, and that the experiments had been done under different conditions and in different countries (Tr. 32772).

The exception also relied on the fact that the 1968 edition of the "Recommended Dietary Allowances" cited a figure of 38 percent as the coefficient of variation for vitamin C. During cross-examination, Dr. Harper explained that more recent experiments had provided more reliable information and that therefore the coefficient of variation was changed (Tr. 33136). Thus, the exception failed to demonstrate that the 15-percent coefficient of variation used by the Committee was unreliable. The board's history of willingness to employ a greater coefficient of variation, where reasonably justified, is underscored by their action in 1968 with respect to vitamin C. There was no "arbitrary adherence" to a 15-percent coefficient of variation.

Exception was also taken to the Committee's use of the Gaussian curve of normal (bell shaped) distribution in establishing RDA's. Dr. Harper did testify that there are biological phenomena for which the Gaussian distribution does not fit very well and that if the distribution for a given nutrient were non-Gaussian, the range of people not covered would be wide. However, he never testified that such non-Gaussian distribution was applicable to RDA's. In fact, he testified that: (1) the available information tends to show a Gaussian distribution (Tr. 33045), (2) there was no evidence that anybody's needs are higher than the RDA's developed using the Gaussian distribution (Tr. 33030), (3) the Gaussian distribution is not the only criterion used (Tr. 33051), (4) there are references that support the use of the Gaussian distribution (Tr. 33038–33039), and (5) the hypothesis had been successfully tested (Tr. 33045–33046). The Commissioner concludes that the exception to the use of the Gaussian curve is not well founded.

The exception further contended that the Committee's statistical methodology was defective in that it treated each nutrient independently rather than considering the simultaneous use of all nutrients. In support of this contention, it was claimed that Dr. Harper "agreed that as a person's needs for more than one nutrient are considered, even assuming a Gaussian distribution, the percentage of the population whose nutrient needs are not made (sic) goes up, and that this is important" (Exceptions of Miles H. Robinson, et al., March 22, 1976, P. G–5). This is a mischaracterization of the record: Dr. Harper never agreed that the situation posited was anything more than an unlikely statistical hypothetical (Tr. 33082, 33109–33111, 33117). Dr. Harper also explained that this hypothetical contained assumptions that did not apply to the establishment of the RDA's (Tr. 33084, 33096, 33101, 33102, 33108, 33109). Dr. Harper testified that "we can set up the figures in any way in a hypothetical situation to get any answer" (Tr. 33111).

Dr. Harper testified that even considering all nutrients simultaneously, putting the hypothetical in practical terms, it was quite possible that the percentage of the population whose nutrient needs are met would not change—since the food supply is more than adequate, the nutrient requirements are relatively low, and people tend to consume as much food as they need (Tr. 33103). Dr. Harper further testified that the RDA's were set to exceed people's needs and that "you may well expect half the population to eat less than the RDA and still have their needs met completely" (Tr. 33078). Finally, Dr. Harper stated that this was not even an important point to discuss with respect to the RDA's, but rather with respect to the food consumption patterns of the United States and the adequacy of the food supply (Tr. 33086). The Commissioner concludes that this exception lacks merit.

Exception also was taken to two rulings of Judge Davidson which occurred during cross-examination of Dr. Harper on the subject of statistical methodology. The Commissioner has determined that these exceptions are without merit, and that the record is clear that Judge Davidson gave Dr. D. R. Davis, the cross-examiner, great leeway and was exceedingly fair during the entire cross-examination on statistical methodology (Tr. 33031–33032, 33034–33035, 33042–33044, 33049–33051, 33053, 33054–33062, 33064–33066, 33068, 33071, 33073–33076, 33085, 33089, 33092–33094, 33101–33105, 33112–33114, 33118, 33120–33123, 33125–33127, 33128, 33131, 33133). In particular, Judge Davidson properly sustained the objection on the line of questioning Dr. Davis was pursuing concerning the Gaussian distribution in that such questioning was highly repetitive. Dr. Davis had already cross-examined Dr. Harper extensively on this point (Tr. 33029–33051). Judge Davidson explained the reason for his ruling and Dr. Davis indicated that he agreed (Tr. 33055).

Exception was also taken to Judge Davidson's ruling that certain hypothetical questions on statistical probability

posed by Dr. Davis were irrelevant (Tr. 33076). This ruling was proper since there was no foundation laid showing how the statistical hypothetical related to the establishment of the RDA's (Tr. 33073–33074). Moreover, Judge Davidson allowed Dr. Davis to continue with a different hypothetical to pursue his point (Tr. 33076–33080).

6. *Particular RDA levels.* Dr. Miles H. Robinson, et al., took exception to the levels set for particular RDA's. With respect to vitamin A, it was alleged that the Committee should have considered the vitamin A content of the liver as a criterion for establishing the RDA and that the RDA was lower than that in Exhibit 0–936 which lists recommendation levels for laboratory animal with animal data. First, as discussed supra, Exhibit 0–936 was properly held inadmissible and does not provide a valid basis for evaluation of the RDA's for purposes of determining their scientific validity. Second, Dr. Harper testified that to the best of his knowledge no one had ever done liver biopsies in human subjects during the development of vitamin A deficinecy, and that, while he wasn't certain, he thought it was highly probable that night blindness would be one of the first discernible symptoms of vitamin A deficiency. This was the criterion which the Committee used (Tr. 33426–33427), and it appears appropriate and adequate.

Moreover, when the Food and Nutrition Board and the Committee on Recommended Dietary Allowances established the RDA for vitamin A, they were fully aware that the liver was the center for the storage of vitamin A and that ingestion of excessive amounts of vitamin A results in very large accumulations of vitamin A in the liver, which can cause toxicity (Tr. 33430). Therefore, the relationship between vitamin A and the liver was considered in establishing this RDA.

The exception also noted that Dr. Harper agreed that the rat needs 19 times more vitamin A than normal during pregnancy while the human needs only 3 times more, according to the established RDA. However, Dr. Harper explained this difference. He testified that the rat produces a litter of 12 and can produce a litter every 21 days, so the proportion of the rat's body weight that may be involved in maximum reproduction is about ⅕ every 28 to 35 days, whereas, a woman would use ⅛ to 1/9 of her body weight every 9 months (Tr. 33437–33438). This accounts for the difference which the exception incorrectly relied upon as evidence of a need for a higher RDA for vitamin A.

Exception also was taken to the fact that the Committee made no distinction between the two common forms of vitamin D, (D_2 and D_3) and alleged that the synthetic form, D_2, was less effective. Dr. Robinson relied on Exhibit 0–936 in support of what he claimed to be the lack of effectiveness of vitamin D_2. However, Dr. Harper explained that the study Dr. Robinson was referring to did not involve vitamin D deficiency, but rather the cure of bone disease with the use of vitamin D_3 and vitamin D_2 (Tr. 33467). Furthermore, this study indicated that the Rhesus monkey, which is the one most widely used in nutritional studies, responds equally well to both forms, and that it was only some species of the South American monkey which showed a difference (Tr. 33467–33468). Dr. Harper testified that, based solely upon a study of treatment of bone disease in monkeys, it would be difficult to draw a conclusion applicable to humans (Tr. 33469).

The Committee spent a considerable amount of time deliberating on the relative effectiveness of vitamins D_2 and D_3 (Tr. 33472). Dr. Harper personally visited Dr. Roslyn Alfin-Slater and one of her students in California, as well as other people, concerning this problem (Tr. 33472). Dr. Harper testified that he had found no evidence to suggest that vitamin D_3 should be designated as the exclusive source of vitamin D for human supplementation (Tr. 33472).

With respect to vitamin E, Dr. Robinson, et al., and Mr. Warren R. Biggs objected to the lowering of the RDA from 30 IU (international units) to 15 IU in 1974 and to the criteria used in establishing the RDA. As discussed in section C.3. above, the Commissioner has concluded that the basis for establishing the RDA for vitamin E was scientifically sound.

Dr. Robinson, et al., took exception to the ruling of Judge Davidson which ended a line of questioning relating to vitamin C (Tr. 33409–33413). However, this line of questioning specifically dealt with the reduction in the RDA for vitamin C in 1974, as compared with 1968. The difference between the 1968 RDA's and the 1974 RDA's was ruled irrelevant. Since the U.S. RDA's were based on the 1968 RDA's, any subsequent revision in the NAS/NRC RDA's was beyond the scope of the hearing, which was held to inquire into the process employed in establishing the NAS/NRC RDA's to determine whether it was appropriate for FDA to use the NAS/NRC figures as a basis for the U.S. RDA's (Tr. 33409–33413). Thus, the Administrative Law Judge properly excluded all questioning concerning the difference between the 1968 and the 1974 RDA's, as discussed more fully in section C.11. below. Should any change in the U.S. RDA's be proposed in the future, all interested persons will have an opportunity to comment and otherwise participate in the rule making.

7. *Allegations of prejudice and malice on the part of the Administrative Law Judge.* Dr. Miles H. Robinson, et al., claimed that the Administrative Law Judge was prejudiced and that he acted with malice in presiding over the hearing (Tr. 32582, 33095, 32855, 32538, 32560, 32598, 32601, 32856–32858, 32863, 33255, 32865, 32896, 33095–33096, 33346–33347, 32556, 32633, 33093, 33112, 32904, 33092, 32858; Pretrial Hearing Tr. 17, 22, 27, 19–25, 42, 46, 70–73, 80, 102). Mr. Warren R. Biggs made a similar claim.

The record demonstrates that these allegations are without merit. Judge Davidson was fair to all participants, including Dr. Robinson. At the outset, Judge Davidson stated that he would hold attorneys to a higher standard than non-atorneys which was to Dr. Robinson's benefit because he is not an attorney (Pretrial Hearing Tr. 12). Following this statement, throughout the proceedings Judge Davidson was exceedingly fair to Dr. Robinson in giving him leeway to ask questions which either bordered on being or were in fact objectionable. Judge Davidson also explained his rulings whenever Dr. Robinson became confused and even gave guidance to Dr. Robinson, who was generally unfamiliar with the rules of evidence and proper cross-examination (Tr. 32444, 32468, 32478–32481, 32484–32485, 32487, 32499, 32501, 32504–32506, 32509, 32516, 32528–32529, 32538, 32542–32546, 32555–32557, 32559–32563, 32580–32582, 32598–32601, 32633, 32786, 32834, 32854–32866, 32895–32897, 32899–32913, 33029, 33054, 33058, 33091–33095, 33112–33114, 33255, 33265, 33340–33342, 33345–33348; Pretrial Hearing Tr. 12, 17, 42, 46, 80, 102).

The record is replete with examples of Judge Davidson's attempts to be fair: Dr. Robinson asked and received advice on the proper technique for making a motion (Tr. 32499); Judge Davidson encouraged Dr. Robinson not to give up so quickly on a line of questioning to which an objection had been raised (Tr. 32501); Judge Davidson patiently explained the proper way to use exhibits (Tr. 32508–32509); Judge Davidson allowed Dr. Robinson a recess when he became confused and asked for time to consult with a lawyer (Tr. 32580–32581); and Judge Davidson even allowed Dr. Robinson to introduce an exhibit without first providing copies to other parties and counsel for FDA as required by the rules (Tr. 32599).

Finally, even Dr. Robinson commented on Judge Davidson's fairness during the hearing. In introducing Dr. Davis, who had no prior experience in cross-examination but was about to cross-examine Dr. Harper, Dr. Robinson commented "I am confident that under Your Honor's impartiality and fair guidance that all will be well" (Tr. 33029). Subsequently, Dr. Robinson again commented on how fairly Judge Davidson had conducted the hearing, noting: "I feel you are absolutely fair if you insist that the cross-examination be relevant and material and not repetitive. Personally, I am very satisfied that we are getting down to what Judge Friendly wanted * * *" (Tr. 33362). In light of these comments, and the record as a whole, contentions that Judge Davidson was prejudiced or acted with malice are without merit.

Dr. Robinson, et al., also filed the following related motions subsequent to the close of the reopened hearing:

(1) On December 12, 1975, a motion which requested that the Administrative Law Judge authorize an interlocutory appeal to the Commissioner of Judge Davidson's ruling denying leave to produce rebuttal witnesses (hereafter referred to as "December 12, 1975 Motion Requesting

Interlocutory Appeal to the Commissioner");

(2) On February 6, 1976, a motion requesting Judge Davidson to rule on the December 12, 1975 Motion Requesting Interlocutory Appeal to the Commissioner (hereafter referred to as "Februay 6, 1976 Motion Requesting Ruling"); and

(3) On March 17, 1976, a motion requesting the Administrative Law Judge to disqualify himself (hereafter referred to as "March 17, 1976 Motion to Disqualify"). The March 17, 1976 Motion to Disqualify took issue with the conduct of Judge Davidson in refusing to consider the December 12, 1975 Motion Requesting Interlocutory Appeal to the Commissioner.

In an order dated February 9, 1976, Judge Davidson denied the February 6, 1976 Motion Requesting Ruling, and at the same time Judge Davidson further ruled that the December 12, 1975 Motion Requesting Interlocutory Appeal to Commissioner was out of order because the hearing had been concluded on November 17, 1975, and § 2.89 (21 CFR 2.89) contemplates authorization by the Administrative Law Judge of interlocutory appeals to the Commissioner only during the pendancy of a hearing and only under certain circumstances.

In the March 17, 1976 Motion to Disqualify, Dr. Robinson, et al., objected to the fact that information concerning the December 12, 1975 Motion Requesting Interlocutory Appeal to the Commissioner had to be obtained from a member of FDA's Office of General Counsel who had spoken to Judge Davidson: Dr. Robinson's wife had called FDA's Office of General Counsel on January 22, 1976; she was informed that Judge Davidson did not believe the December 12, 1975 Motion Requesting Interlocutory Appeal to the Commissioner was properly before him and that he did not intend to rule on the motion. Mrs. Robinson was advised that the matter could be pursued by making a motion to the Administrative Law Judge or by making a request directly to the Commissioner to reopen the hearing. Dr. Robinson, et al., subsequently filed the February 6, 1976 Motion Requesting Ruling which precipitated Judge Davidson's order of February 9, 1976 which denied that motion. (Dr. Robinson, et al., thereafter sent to the Commissioner a letter dated February 17, 1976, making a request to introduce rebuttal evidence; this letter and thus the merits of reopening the hearing for rebuttal testimony are ruled upon below in section C.8).

It is not improper for a member of the General Counsel's Office, who is called concerning a procedural matter that does not involve substantive issues under consideration before the Administrative Law Judge, to speak to the Judge and then relay the information received to the interested party. In fact, the Office of General Counsel was helpful to Dr. Robinson. Dr. Robinson relied on the information he received in filing a motion and sending a letter to the Commissioner, and he has made no complaints concerning the accuracy of the procedural advice he received. (The member of the General Counsel's Office made memoranda of his conversation with Dr. Robinson and with the Administrative Law Judge—both of which were provided to Dr. Robinson and made available to the public.)

The Commissioner concludes that the Administrative Law Judge acted properly in his decision with respect to the December 12, 1975 and February 6, 1976 Motions. The March 17, 1976 Motion to Disqualify is hereby denied.

8. *Rebuttal.* Dr. Miles H. Robinson, et al., took exception to the fact that Dr. Robinson was not allowed to introduce any rebuttal testimony with respect to statistical methodology, use of animal data, and alleged defects for certain RDA's (Tr. 33495–33503, Pretrial Hearing Tr. 63–64, 72, 86–88, 96, 103–104). From the outset, Judge Davidson made it clear that pursuant to the remand directions by the Court of Appeals, the remand was for the limited purpose of reasonable cross-examination of the witness and that rebuttal would not be allowed unless foundation for impeachment of the witness was shown, i.e., there was no automatic right for those opposed to the regulations to offer rebuttal testimony or for the Government to engage in redirect examination (Pretrial Hearing Tr. 63, 64). The Court of Appeals remanded this case to FDA "with instructions to reopen the record for the limited purpose of permitting reasonable cross-examination of" one witness (504 F. 2d 799) and Judge Davidson's ruling was consistent with this.

At the close of the hearing, Dr. Robinson was given every opportunity to explain fully the reasons he had for seeking rebuttal (Tr. 33495–33500). In the Commissioner's opinion, Judge Davidson properly ruled that there was not a sufficient showing that such rebuttal evidence was necessary, especially considering that Dr. Robinson had had opportunity to introduce such evidence when he presented his case at the prior hearing.

The extensive cross-examination of Dr. Harper was sufficient for the purposes of the remand—especially since, pursuant to the 1976 Vitamin and Mineral Amendments to the Federal Food, Drug, and Cosmetic Act, the U.S. RDA's are no longer used to restrict the maximum potency of vitamins and minerals in most dietary supplements for adults. (See the quotation from the Court of Appeals, 504 F. 2d 799, discussed at the beginning of section C.) The cross-examination of the witness extended to 5 days. Having carefully considered the transcript of the reopened hearing, the Commissioner concludes that no rebuttal was needed nor was it required by the decision of the Court of Appeals.

9. *"Motion to Receive in Evidence U.S.D.A. Article on Nutrient Availability".* On March 30, 1976, after the hearing was completed, Dr. Miles H. Robinson, et al., filed with the Commissioner a "Motion to Receive in Evidence U.S.D.A. Article on Nutrient Availability." This article was never mentioned during the reopened hearing. This article should have been produced at the hearing so that a proper foundation could have been made as to its authenticity, reliability, and relevancy. Accordingly, this motion is denied.

10. *Allegations that existing knowledge upon which RDA's are based precludes scientific reliability of the RDA's.* Dr. Margaret A. Krikker took exception to the Administrative Law Judge's finding that there was a sound scientific basis for the RDA's and asks that his finding be revised to state that the methodology employed by the Board can only be considered value judgments and that the limited existing knowledge on which such judgments are based precludes scientific reliability of the RDA's (Tr. 32971, 32968, 32610–32611, 32997, 33003, 33241, 33170, 33195–33198, 33174–33176, 32991, 33152, 33183, 33172, 33187, 33191–33192, 33237, 33222, 33223, 33178, 33209, 32981, 32996, 33163, 32989, 33239, 32992–32993, Proposed Findings 1–8 and 32 contained in Dr. Krikker's exceptions dated March 20, 1976). While it is true that the establishment of the RDA's involved a measure of judgment and that there may be some difference of opinion as to the levels set, it does not follow, nor does the record support Dr. Krikker's assertions that the established RDA's are based upon insufficient data or are otherwise scientifically unreliable (Tr. 32606, 32801, 33071, 33078, 33030, 33031, 33033, 33051, 33069, 33127–33128, 33314–33317, 33152, 33127, 32670, 33184, 33176, 33177, 33237, 33222, 33169, 33176, 32971, 32968, 32610–32611, 32977, 33003, 33241, 33170, 33195–33198, 33174–33176, 32991, 33152, 33183, 33172, 33187, 33191–33192, 33237, 33222–33223, 33178, 33209).

In support of her exception, Dr. Krikker alleged that the ideal method for determining RDA's was not always followed and also that RDA's have not been established for about two thirds of the essential nutrients. However, Dr. Harper testified in great detail as to the procedures that were followed in establishing the RDA's (Tr. 33314–33317), and his testimony shows that the result is the best available scientific determination of the amounts of various nutrients required to maintain a healthy population (Tr. 33127, 32670, 32606, 32801, 32981, 33071, 33078).

Dr. Krikker took exception to the RDA for iron, claiming that it is too high (Proposed Findings 9–22, 27). She relied on a report of the experts of the Joint FAO/WHO (Food Agricultural Organization/World Health Organization) expert Group on Requirements of Iron, which lists 5 mg (milligrams) as the allowance for iron (both the NAS/NRC RDA and the U.S. RDA have been set at 18 mg) and she also questioned the rate of absorption for iron (10 percent) used by the Committee. Finally, she noted that the 1974 RDA for iron was increased 50 percent over the 1958 RDA. Dr. Harper indicated that he shared Dr. Krikker's concern with respect to the possible danger of excessive amounts of iron, but stated that the tolerance for iron is in

the range of 25 to 50 mg per day, and that the rate of absorption tends to go down as the amount consumed increases (Tr. 33184–33185).

Dr. Harper also agreed with Dr. Krikker that animal protein frequently carries iron that is more readily available than some of the iron from plant products (Tr. 33176). However, Dr. Harper explained that this would not necessarily increase the absorption rate since there are interactions that could reduce the availability of iron from other sources. It was on the basis of these factors that a figure of 10 percent for the absorption rate of iron was considered to be safe and proper (Tr. 33177). Finally, there is still extensive evidence of anemia (hemoglobin level lower than the standard for adequate health) in the United States. This is a major public health problem. Given this incidence of anemia, the Committee concluded that iron availability could not have been much higher than the absorption figure that they employed (Tr. 33177). The concern over anemia also resulted in the 50 percent increase in the RDA over a 10-year period (Tr. 33188). Thus, there is substantial evidence that the RDA for iron was set at a safe and appropriate level.

Dr. Krikker also raised questions with respect to whether the RDA for calcium is too high with respect to the nature of its relation to the intake of protein (Tr. 33237, Proposed Finding 23, 24). Dr. Harper explained that the reason the RDA for calcium was not lowered was because there is some indication of an imbalance that might arise from a high intake of protein, resulting in an increased loss of calcium, reflected by increased excretion in the urine (Tr. 33237). Therefore, the Committee decided not to lower the RDA for calcium until they can be certain that the calcium requirement of the American population is not being increased by the relatively high protein intake in the United States (Tr. 33237).

Dr. Krikker also expressed concern over the long-term effects of certain vitamins and minerals and the lack of adequate toxicological studies on long-term toxicity. The Commissioner shares this concern and agrees that more research is needed. In those cases where evidence indicated that high levels of exposure are not safe, he will take appropriate action. For example, the Commissioner has already promulgated regulations under §§ 250.109, 250.110, and 121.1134 (21 CFR 250.109, 250.110, and 121.1134) limiting, for reasons of safety, the amounts of vitamins A and D and folic acid which may be included in a preparation. The Commissioner recognizes that more research is necessary, and additional regulations will be promulgated as more information becomes available. (See also § 80.1(f) of the revised final regulations below, which incorporates certain safety-related restrictions upon use of vitamins and minerals.)

Dr. Krikker also proposed a number of findings based on questions she asked during her cross-examination and on the eighth edition of the "Recommended Dietary Allowances" (1974) (Proposed Findings 25, 26, 28, 29, 31, 33, 37). However, these proposed findings were never related to the establishment of the RDA's during cross-examination of Dr. Harper. Therefore, there is no evidence on record as to what, if any, effect these matters might have on the scientific reliability of the RDA's. For example, Dr. Harper did agree that there is a difference in absorption and bioavailability of a nutrient depending upon its biological form, which varies with nutrients (Tr. 33222). Nevertheless, it was never established what effect, if any, this may have on the development or reliability of the RDA's. This is also true with respect to Dr. Krikker's proposed findings that excessive folic acid in foods may mask vitamin B_{12} deficiency and that there is no "single minimum dietary requirement" or "single maximum safe intake" of a trace element.

Judge Davidson pointed out to Dr. Krikker this problem (of her asking questions that had no apparent relevance to the matter at hand) during her questioning with respect to iron: "Maybe I could help you if you would just put forth on the record what it is you are driving at." (Tr. 33169). Following this comment Judge Davidson helped Dr. Krikker relate her question concerning iron to the establishment of the RDA for iron by asking Dr. Harper if his impression of the RDA's "is affected by the subject matter that Dr. Krikker is trying to get into, the type of protein source, and if so, to what extent and how it entered into the deliberations of the Committee?" (Tr. 33176). While the connection between this area of inquiry and the Committee's deliberations over the RDA for iron was thereby established, a similar connection was not successfully established for the other areas of inquiry noted above. Nevertheless, the Commissioner has considered these points, and concludes that there is no evidence to support a conclusion that these factors raise a substantial question with respect to the scientific reliability of the RDA's.

11. *1974 revisions of NAS/NRC RDA's.* Miles Laboratories filed an exception which asserts that the U.S. RDA's, which were developed in reliance on the 1968 NAS/NRC RDA's, should be revised pursuant to 1974 revisions of the NAS/NRC RDA's.

The Administrative Law Judge properly ruled that this matter was beyond the scope of the hearing, which was held to inquire into the process employed by the Food and Nutrition Board's Committee on Dietary Allowances in establishing the NAS/NRC RDA's to determine whether it was appropriate for FDA to use NAS/NRC figures as a basis for regulation. Moreover, the Commissioner has already stated in the May 28, 1975 document (40 FR 23248) that the changes made in the 1974 NAS/NRC RDA's are not of sufficient magnitude as they relate to overall public health to warrant similar changes in the U.S. RDA's at this time, but that it is reasonable to anticipate changes in the existing U.S. RDA's to reflect changes in the NAS/NRC RDA's when the latter are next published.

The Commissioner has nevertheless reconsidered this issue. A review of the changes in the NAS/NRC RDA's indicates that they include a reduction (to 10) in the total number of age groupings for which values are given, reductions in the highest RDA values for each of six nutrients in each age grouping, a small increase in the value for riboflavin, and establishment of RDA's for zinc. The Commissioner notes that U.S. RDA's already exist for zinc and that they are consistent with NAS/NRC RDA's. He remains of the view that the changes in the 1974 NAS/NRC RDA's are not of sufficient magnitude to warrant changing the U.S. RDA's at this time.

The Administrative Law Judge also observed that this proceeding has been pending for 14 years and that the institution of further refinements in the U.S. RDA's at this time would only involve a needless further delay in development of final regulations (Report and Recommended Order on Limited Further Hearing, p. 10). The Commissioner agrees that the better course to follow is to establish the appropriateness and legality of the regulations at this time and make further modifications in the future when the need arises.

12. *Allegations that Dr. Sebrell should have been produced as a witness.* National Nutritional Foods Association, National Association of Pharmaceutical Manufacturers, and Solgar Co., Inc., took exception to the fact that Dr. Sebrell was not produced for cross-examination.

The Commissioner concludes that this exception is without merit. The Court of Appeals remanded this case "for the limited purpose of permitting reasonable cross-examination of Dr. Sebrell (or, if he is not available, some other qualified member of the Board) by Dr. Robinson or counsel for some other similarly interested participants" (504 F. 2d 799). While the Commissioner was under no obligation to do so, he opened the hearing to all interested persons, and it is a group of these parties (not Dr. Robinson) which is now raising the exception to the witness produced by the agency. Dr. Robinson, who was primarily responsible for this remand, concurred in the calling of Dr. Harper in substitution for Dr. Sebrell and supported the Government's opposition to the motion which sought to prevent Dr. Harper from testifying (Tr. 32443).

The record shows that Dr. Sebrell was not interested in testifying (Exhibit P-1162), and FDA has no subpoena power to require his appearance. Moreover, Dr. Harper was eminently qualified. Dr. Harper is a professor of nutrition sciences and biochemistry and Chairman of the Department of Nutritional Sciences, University of Wisconsin. He is widely regarded as an expert in the field of human nutrition (Govt. Exhibit P-1162, P-1164; Tr. 32485). Dr. Harper was chairman of the Committee that was responsible for the 1974 RDA's and was a member of Dr. Sebrell's committee that formulated the 1968 RDA's (Tr. 32453). Dr. Hopper also

indicated that he was in virtually complete agreement with Dr. Sebrell's testimony (Tr. 32465–32467).

During the course of the hearing, Dr. Harper was cross-examined on a wide variety of nutrients and gave an in-depth explanation of how the Committee on Dietary Allowances and the Food and Nutrition Board functioned, of how individual RDA's were established, and of the scientific basis for the work done by the Committee. While there were some exceptions filed in which parties complained that they were unable to ask Dr. Harper enough questions, no one has complained that they were unable to obtain the information they were seeking on cross-examination due to Dr. Harper's lack of knowledge on any particular subject. Dr. Harper responded to questions of seven different examiners for 5 full days on the issues set for the hearing. All opponents of the regulations were offered a full and fair opportunity to cross-examine Dr. Harper, and this cross-examination fully complied with the remand directions by the Court of Appeals.

13. *Allegations concerning therapeutic usage of vitamins and minerals.* Mr. Warren R. Biggs, Dr. Margaret A. Krikker, National Nutritional Foods Association, National Association of Pharmaceutical Manufacturers and Solgar Co., Inc., observed that the RDA's were not designed to cover "therapeutic" needs, noting that there are medical conditions that require special dietary treatment. These parties also state that therapeutic usage of vitamins and minerals should be treated separately and one party suggests that regulations should be promulgated to govern the use of vitamins and minerals to treat diseases.

The Commissioner advises that the definition and standard of identity for dietary supplements of vitamins and minerals, § 80.1, applies to preparations offered simply as dietary supplements of vitamins and/or minerals, not to preparations offered for use in the treatment of disease. (See § 80.1(a) (1) and (2) (iv).) With respect to vitamin/mineral preparations represented for use under medical supervision in the dietary management of specific diseases and disorders, the Commissioner concludes that applicable labeling requirements of Part 125 are appropriate.

14. *Allegations that RDA's are designed primarily for dealing with population groups.* Dr. Margaret A. Krikker, National Nutritional Foods Association, National Association of Pharmaceutical Manufacturers and Solgar Co., Inc., based an exception on allegations that the RDA's are designed primarily for dealing with population groups and not individuals (Tr. 32981, 32996, P–1165, p. 3). On cross-examination, Dr. Harper testified that although the RDA's are designed primarily for addressing the dietary needs of population groups, they exceed the needs of most of the population (Tr. 32981). In fact, Dr. Harper testified that it should be possible for some people to eat diets that provide less than half of the recommended dietary allowances and still meet their requirements regularly (Tr. 32981). The Commissioner concludes that this factor does not demonstrate that the RDA's are unreliable or inappropriate for use in establishing U.S. RDA's.

15. *Exceptions to use of RDA's to limit ingredients and restrict dosage levels of nutrients.* National Nutritional Foods Association, National Association of Pharmaceutical Manufacturers and Solgar Co., Inc., except to use of RDA's to place a limitation on ingredients or to restrict dosage levels of nutrients. Those objecting seem to have been concerned with "freedom of choice" by adults (Exceptions of National Nutritional Foods Association, National Association of Pharmaceutical Manufacturers and Solgar Co., Inc., p. 19). However, pursuant to the 1976 Vitamin and Mineral Amendments to the Federal Food, Drug, and Cosmetic Act (see discussion below in section E), the regulations issued below have been revised so that the RDA's are generally no longer being used to place any maximum limitation on the quantity of a nutrient or on the inclusion of a nutrient in a dietary supplement offered for use by adults, other than pregnant or lactating women. Accordingly, these exceptions are essentially moot. The Commissioner concludes that the use of RDA's to determine the potency of dietary supplements represented for use by infants, children, or pregnant or lactating women is appropriate.

16. *Allegations that the Committee did not envision use of the RDA's in the manner employed by the regulations.* Exceptions by Hoffman-LaRoche, Dr. Margaret A. Krikker, National Nutritional Foods Association, National Association of Pharmaceutical Manufacturers, Solgar Co., Inc., and Mr. Warren R. Biggs allege that at the time the 1968 RDA's were being developed the Committee did not envision that the FDA would use the RDA's to establish labeling and Compositional requirements (Tr. 32713, 32714, 32944, 32663–32666, 32746–32747, 32741, 32456, 32679, P–1165, pp. 13, 20). Even if, arguendo, the Committee did not have regulatory use in mind, it does not follow that the RDA's are not appropriate for use by FDA for regulatory purposes. In fact, Dr. Harper testified that he thought the RDA's were appropriate for use by FDA in developing labeling regulations and in the regulation of the nutritional value of food products (Tr. 32663–32665, 32711, 32820–32821, 33005, 33013–33014, 33208). He specifically stated that the RDA's "did provide a suitable nutritional yardstick for FDA to rely on in developing regulations" (Tr. 32944).

Moreover, the 1976 Vitamin and Mineral Amendments to the Federal Food, Drug, and Cosmetic Act provide that FDA may not rely on its authority to establish standards of identity for foods or its authority to prevent misbranding of foods to establish maximum limits on the potency of any vitamin or mineral or otherwise to restrict the combination or number of any vitamin, mineral or other ingredient in a preparation to which the legislation applies (see discussion in section E below). Thus, the regulations issued below have been revised so that vitamins and minerals for adults, other than pregnant or lactating women, may be sold in any combination or potency that is generally recognized as safe and exceptions relating to this issue are essentially moot in light of this action.

The Commissioner concludes that the uses to which the RDA's were put by the FDA in developing regulations governing dietary supplements of vitamins and minerals are scientifically appropriate. The RDA's provide a sound, scientific basis from which to draw values for regulations designed to fully inform purchasers of the special dietary value of foods and for establishing definitions and standards of identity.

17. *Allegations of improper limitation on the scope of the reopened hearing.* National Nutritional Foods Association, National Association of Pharmaceutical Manufacturers and Solgar Co., Inc., took exception to what they claimed were improper limitations on the scope of the reopened hearing. They contended that a hearing should have been held on the following matters: (1) limitations on potency of multi-vitamin-mineral products, (2) failure to include in multinutrient supplements vitamins and minerals for which there is no U.S. RDA, (3) additional formulations, and (4) the proposed requirement of setting forth in the labeling of a dietary supplement the percentages of a nutrient derived from particular sources.

These parties have misconstrued the order of the Court of Appeals. The Court of Appeals ordered the reopening of the hearing only "for the limited purpose of permitting reasonable cross-examination" of one witness and not to consider other matters such as those listed above (504 F.2d 799). The other matters are discussed under other sections of this document.

18. *Certain other exceptions.* Mr. Warren R. Biggs was not present during the pretrial conference or during any of the cross-examination of Dr. Harper, but he did file exceptions. These exceptions did not include any citations to the transcript. This makes these exceptions difficult to consider. Nevertheless, the Commissioner has read and considered all of the exceptions filed and responds to the extent possible under these circumstances:

Mr. Biggs alleged that there are no clinical studies to determine the validity of the RDA figures, and he claimed that the nutritional requirements were frequently set at the point of appearance of obvious gross symptoms of deficiency. First, nutrient requirements were not set at the level of obvious gross symptoms of deficiency (P–1165, p. 8). Second, the RDA's are based on human studies wherever such studies exist, or on examination of population surveys as well as consideration of the amount of a nutrient in the food supply (Tr. 32969–32971, P–1165, pp. 5–9). Thus, clinical studies were utilized, and when they were unavailable other reliable scientific criteria were used (see discussion above in section C.3).

Mr. Biggs noted that the need for thiamine increases with physical exercise. However, the Committee also recognized this factor, and took it into consideration in establishing the RDA for thiamine (Ibid., p. 5).

Mr. Biggs contended that older persons generally have less of a particular vitamin or mineral in their bodies than younger persons. This is not generally so. The Committee specifically states that there is little evidence that requirements for specific essential nutrients change with advancing age (P-1165, p. 11).

Mr. Biggs also noted that there are different nutrient needs depending on age, sex and weight and also that two similar individuals can have different requirements. All of these factors were recognized by the Committee and considered in establishing the RDA's (P-1165, p. 4). Moreover, in the development of the U.S. RDA's from the RDA's, the highest RDA values from among the numerous age and sex groups reflected in the RDA's generally were selected to ensure U.S. RDA values equal to or greater than the individual RDA's from which they were derived.

Mr. Biggs also made an exception based on allegations that a person can consume the RDA of a nutrient and still have a deficiency. In this regard, Dr. Harper testified that the RDA's are the best possible guide we have to provide for adequate intake of essential nutrients under the wide variety of conditions in this country for essentially all of the normal healthy persons in the United States (Tr. 32669). Moreover, the RDA level is high enough that even if a person habitually consumes less than the recommended amounts of some nutrients, his diet is not necessarily inadequate (P-1165, p. 12).

Mr. Biggs also contends that high levels of consumption of a nutrient are frequently beneficial in curing diseases. However, there is no evidence on the record to support this contention.

The Committee stated that they are aware of no convincing evidence of unique health benefits accruing from consumption of a large excess of a nutrient (P-1165, p. 3).

Mr. Biggs also raised other exceptions which do not appear to be addressed in the record and do not appear to have been raised with Dr. Harper (Exception Nos. 1, 10, 14, 15, 16, 17, 18, 20, 21, 22, 23, 24, 25, 29, 30, 31, 33, 37, 38, 40 41, 44, 45). The Commissioner has considered all of these to the extent possible, and he has concluded that no substantial basis for change in the regulations has been shown.

D. EXCEPTIONS TO THE MAY 28, 1975 TENTATIVE AMENDMENTS TO THE REGULATIONS

In the May 28, 1975 document, the Commissioner published several tentative amendments to §§ 80.1 and 125.1 through 125.3. Interested persons were invited to file exceptions on or before July 14, 1975.

Sixty-two exceptions were received between June 20 and October 2, 1975. Although no extension in time for the filing of exceptions was provided, those exceptions received after July 14, 1975 have been fully considered. The exceptions received and the Commissioner's responses are as follows:

1. Numerous exceptions contended that the Commissioner was attempting to restrict the sale of vitamins and minerals unnecessarily, or, some contended, unlawfully, in particular by limiting the inclusion of ingredients or maximum potency of vitamins and minerals in dietary supplements. On the other hand, some exceptions supported the proposed regulations as drafted.

The Commissioner notes that these exceptions were written before enactment on April 22, 1976 of the vitamin and mineral amendments to the act. These amendments are discussed in detail below in section E of this preamble. The amendments prohibit FDA from limiting the inclusion of ingredients and maximum potency of vitamins and minerals in dietary supplements (intended for ingestion in tablet, capsule, droplet or other form not simulating or represented as conventional food) that are offered for use by adults other than pregnant or lactating women and are recognized as safe. The final regulations issued below have been revised to comply with these amendments to the act, thus rendering these exceptions moot.

This new legislation does not restrict FDA authority to limit the composition of dietary supplements for reasons of safety. If use of a vitamin or mineral is not generally recognized as safe, it may be used only in a manner consistent with an approving food additive regulation. For example, for reasons of safety, a food additive regulation, § 121.1134 (21 CFR 121.1134), limits the maximum potency of the vitamin folic acid, which may be used in dietary supplements; and Congress, in passing the 1976 vitamin and mineral amendments to the act, specifically noted that food additive regulations such as the folic acid regulation were not affected. (H.R. Rep. No. 94-1005, 94th Cong., 2d Sess. 28 (1976).) Likewise, as Congress specifically stated (Id.), FDA may restrict to prescription drug status high potency preparations of vitamins and minerals that are not safe for use except under the supervision of a physician. For example, under §§ 250.109 and 250.110, FDA has restricted to prescription drug status high potency preparations of vitamins A and D that are not safe for use except under the supervision of a physician. These regulations have been upheld in court. *National Nutritional Foods Assn.* v. *Weinberger*, 512 F. 2d 688 (2d Cir. 1975), ------ F. Supp. ------ (No. 73 Civ. 3448, July 2, 1976).

2. A substantial number of exceptions argued against labeling as drugs those vitamins and minerals that exceed the U.S. RDA's by 150 percent.

The Commissioner advised that the revised final regulations issued below are in accord with these exceptions. Section 125.1(h) as promulgated on August 2, 1973, had provided generally that preparations containing more than the upper limit of the U.S. RDA per serving of a vitamin or mineral as specified in § 80.1 (f) (1) would be deemed a drug. However, the Court of Appeals ruled this provision invalid, 504, F.2d 788-789, and the 1976 vitamin and mineral amendments to the act, 21 U.S.C. 350(a) (1) (B), provide that FDA may not classify a vitamin or mineral as a drug "solely because it exceeds the level or potency which the Secretary (FDA) determines is nutritionally rational or useful." The tentative amendments to the regulations in the May 28, 1975 document revoked paragraph (h) of § 125.1, and this paragraph no longer appears in the revised final regulations issued below.

3. Three exceptions criticized the placing of minimum potency limits on vitamins and minerals. These exceptions suggested that the public be allowed to choose for itself the amount of these nutrients it wishes to purchase regardless of how low the potency level might be.

Section 80.1(c) of the revised final regulations retains the requirement that dietary supplements shall contain in the specified daily quantity not less than the lower limit specified in § 80.1(d) (1) for the groups for which the supplement is offered (generally, 50 percent of the U.S. RDA). The Commissioner believes that it would be misleading and contrary to the public interest for a vitamin and or mineral preparation represented as a dietary supplement to provide a vitamin or mineral in an amount insignificant for use as a dietary supplement, and Congress, in passing the 1976 vitamin and mineral amendments to the act specifically agreed: "This provision (21 U.S.C. 350 (a) (1) (A)) would not restrict the Secretary (FDA) from prescribing minimum potency levels for vitamins or minerals in such products in order to prevent the addition of insignificant or useless amounts." (H.R. Rep. No. 94-1005, 94th Cong., 2d Sess. 26 (1976).) The Commissioner has concluded that, for those vitamins and minerals for which U.S. RDA's have been established, dietary supplements should provide, in the specified daily quantity, no less than the lower limit specified in § 80.1(d) (1).

4. Several exceptions requested provisions for additional formulations of vitamin/mineral dietary supplements.

The Commissioner advises that requests for additional formulations of dietary supplements are considered in section B of this preamble. It should be noted that pursuant to the 1976 Vitamin and Mineral amendments to the act, the regulations no longer limit the inclusion of ingredients which are recognized as safe in dietary supplements which are represented for use by adults (other than pregnant or lactating women) and which are intended for ingestion in tablet, capsule, or droplet form.

5. Three exceptions argued that there should be no restriction on the potency of essential vitamins and minerals for which no U.S. RDA's have been established. One exception, however, requested that potency restrictions for such vita-

mins and minerals be established. Another exception suggested determining the "appropriate" quantity of essential nutrients without established U.S. RDA's to be included in dietary supplements.

The Commissioner reiterates that pursuant to the 1976 vitamin and mineral amendments to the act, the maximum potency of safe nutrients in dietary supplements (intended for ingestion in tablet, capsule, droplet, or other form not simulating or represented as conventional food) intended for adults (other than pregnant or lactating women) may not be restricted. This includes vitamins and minerals for which no U.S. RDA has been established. However, a vitamin or mineral should be present in a dietary supplement in a minimum amount that is useful for supplementation purposes. Minimum levels have been established by § 80.1 (c) and (d) (1) for all nutrients for which U.S. RDA's have been established. Minimum levels for nutrients for which no U.S. RDA's have been established will be proposed in a future issue of the FEDERAL REGISTER.

6. One exception contended that establishing minimum levels for choline, vitamin K, and manganese would be "in conflict with the spirit of § 80.1(b) (5)," which provided that the standard of identity would not apply to foods which do not contain 50 percent or more of the adult U.S. RDA, which are not represented as a dietary supplement, and which are labeled in accordance with § 1.17 (21 CFR 1.17).

Section 80.1(b) (5) (redesignated § 80.1(a) (2) (i)) was intended to allow a low potency vitamin/mineral preparation, which is not appropriate for dietary supplement use, to be sold as a food, but not as a dietary supplement, and the provision has this effect for vitamins and minerals for which U.S. RDA's have been established. The Commissioner intends to propose amendments, in a future issue of the FEDERAL REGISTER, to establish similar provisions for choline, vitamin K, and manganese. In the meantime, preparations providing low levels of these nutrients, which would not serve a useful purpose as a dietary supplement, may be sold simply as food preparations assuming no dietary supplement claims are made.

7. Requests were made for extensions of time for filing of applications for additional formulations and for filing of exceptions to the tentative amendments.

The Commissioner advises that a 45-day extension for filing applications for additional formulations was authorized by the July 10, 1975 notice. Although no extension was authorized beyond the original July 14, 1975 deadline for filing exceptions to the tentative amendments, all exceptions, including some received as late as October 1975, have been fully considered.

8. One exception argued that § 80.1(b) (4) (redesignated § 80.1(a) (5)) improperly placed the burden on applicants to show that amending the list of vitamin/mineral combinations "will promote honesty and fair dealing in the interest of consumers," and that this requirement exceeds the scope of the Commissioner's authority under section 401 of the act (21 U.S.C. 341).

The Commissioner does not agree. It is appropriate to require that a petition for amendment of the standard show that the requested amendment "will promote honesty and fair dealing in the interest of consumers" because this is the criterion for promulgation of such a regulation established by Congress in section 401 of the act (21 U.S.C. 341). (However, pursuant to the new vitamin and mineral amendments to the act, the Commissioner may no longer employ section 401 of the act (21 U.S.C. 341) to limit the combination of ingredients in dietary supplements offered in tablet, capsule, or droplet form, or otherwise not in the form of conventional food, for use by adults (other than pregnant or lactating women).)

9. Three exceptions objected to the banning from dietary supplements of ingredients which are not harmful but which the Commissioner has determined are nonessential. One of these exceptions contended that the inclusion of these ingredients in dietary supplements does not mislead the public.

The Commissioner advises that the 1976 vitamin and mineral amendments to the act generally prohibit FDA from limiting the inclusion of safe ingredients in dietary supplements for adults (other than pregnant and lactating women), and that the regulations issued below have been revised to conform to the new legislation, as discussed in section E of this preamble.

10. One exception contended that consumers might be confused by the mixing of "active and inactive ingredients" in the list of ingredients for a dietary supplement. It was suggested that the ingredient list be divided into two parts, with separate subheadings for nutritive ingredients and nonnutritive ingredients, instead of listing all ingredients in descending order of predominance by weight.

The Commissioner advises that § 80.1 (i) provides a format for prominent listing of the vitamins and minerals on the principal display panel or information panel of a dietary supplement. This list of vitamins and minerals is separate from, and in addition to, the ingredient statement required by §§ 80.1(j) and 1.10 (a), which includes all the ingredients, both nutritive and nonnutritive (by natural source or chemical form) in descending order of predominance by weight. The Commissioner concludes that the comprehensive listing of all ingredients used in the manufacture of a dietary supplement in descending order of predominance by weight, in addition to, and separate from, the listing of vitamins and minerals required by § 80.1(i) is useful, appropriate, and not misleading.

11. Two exceptions stated that FDA should not classify the vitamin and mineral ingredients of dietary supplements as "food additives." They argued that vitamins and minerals sold as dietary supplements are not "added" to any food and that they should only be restricted if shown to be unsafe under conditions or ordinary use, not merely on the basis that data establishing safety are absent.

The Commissioner does not agree. If not generally recognized as safe ("GRAS"), a vitamin or mineral ingredient in a dietary supplement is a "food additive" within the meaning of the act: Any food ingredient (including a vitamin or mineral in a dietary supplement) that is not generally recognized, among experts qualified by scientific training and experience to evaluate its safety, as having been adequately shown to be safe under the conditions of its intended use in food is a "food additive" within the meaning of section 201(s) of the act (21 U.S.C. 321(s)), and pursuant to sections 402(a) (2) (C) and 409 of the act (21 U.S.C. 342(a) (2) (C) and 348) such use is illegal in the absence of a food additive regulation approving the use.

Indeed, the Conference Report explaining the effect of the 1976 vitamin and mineral amendments to the act specifically confirms that a vitamin or mineral that is not generally recognized as safe for inclusion in a dietary supplement is properly regulated as a food additive: "Similarly, if any vitamin, mineral or other food ingredient is not generally recognized as safe by qualified experts and meets the other criteria of the definition of a food additive under section 201(s) of the act, it would be subject to regulation under section 409 of the act. If such a vitamin, mineral or other ingredient is intentionally added to a food, such food is adulterated (within the meaning of section 402(a) (2) (C) of the act) unless its use is in conformity with a regulation issued by the Secretary which prescribes the conditions under which it may be safely used or exempts it for investigational use by qualified experts." (H.R. Rep. No. 94-1005, 94th Cong., 2d Sess., 28 (1976).)

A listing of some of the vitamins, minerals, and compounds with vitamin and/or mineral properties which are generally recognized as safe (GRAS), and thus lawful for use without a food additive regulation, appears at § 121.101(d) (5) (21 CFR 121.101(d) (5)).

Furthermore, numerous food additive regulations have been promulgated in Part 121 (21 CFR Part 121) to authorize the use of certain vitamin/mineral ingredients, which are food additives, in dietary supplements. For example, pantothenic acid is provided for §§ 121.1037 and 121.1123; iodine in §§ 121.1073 and 121.1149; ascorbic acid and niacin in §§ 121.1095 and 121.1141; iron in § 121.1100; folic acid in §§ 121.1125 and 121.1134; and vitamin B^{12} in § 121.1136.

12. One exception objected to the statement in the May 28, 1975 document preamble to the tentative amendments that "Dietary sulfur is the form of various salts makes no contribution to the metabolic function of sulfur in the body." (40 FR 23246). This exception contended that unless an optimal amount of inorganic sulfate is included in the diet, harmful metabolic alterations may occur.

The quoted statement should not be read out of context. The Commissioner did not state or mean to imply that in-

gested sulfur-containing compounds do not enter into metabolic reactions. Sulfur-containing substances, which commonly occur in foods (e.g., amino acids, protein, the vitamins biotin and thiamine, sulfates, and a host of organic compounds in eggs, meats, milk, and other foods in which sulfur is complexed), may be catabolized and the sulfur may be released in the tissues or organs in a form which the body can use for synthesizing vital or useful substances such as insulin and cartilage. The point, however is, that a diet adequate in protein will supply sufficient sulfur for the body to perform these functions. The Commissioner reemphasizes that humans will not benefit nutritionally from deliberate supplementation of the diet with sulfates, be they inorganic salts or any other compound or complex of sulfur.

13. Several exceptions contended that since every individual has his or her own unique body chemistry, U.S. RDA's for large classes of individuals are imprecise, misleading and/or conceptually inadequate for regulating vitamin/mineral preparations.

The appropriateness of using the NAS/NRC RDA's as a basis for the U.S. RDA's and the appropriateness of the latter for regulating and informing consumers about the nutritional value of vitamin/mineral preparations were thoroughly discussed documents in the FEDERAL REGISTER of January 19, 1973 (38 FR 2125–2132, 2143–2150, 2152–2162) and August 2, 1973 (38 FR 20708–20718, 20730–20740, 20745). The Court of Appeals, while remanding the regulations to FDA for certain further action, nevertheless affrmed FDA's authority to use U.S. RDA's to regulate the labeling and composition of dietary supplements. Expert testimony at the reopened hearing in November 1975, as discussed in section C of this preamble, reconfirmed the validity and usefulness of RDA's as basis for the U.S. RDA's.

14. Another exception asked that FDA update the U.S. RDA's to reflect changes made in the eighth edition of the NAS/NRC "Recommended Dietary Allowances" (1974). It was contended that such a revision would significantly decrease costs and that it is necessary to protect FDA's scientific integrity.

The Commissioner recognizes that the eighth edition of "Recommended Dietary Allowances" contains several changes in RDA values. These changes include a reduction in the total number of age groups for which values are given (to 10), reductions in the highest RDA values for each of 6 nutrients in each age group, a small increase in the highest value for riboflavin, and establishment of RDA's for zinc. The Commissioner has carefully considered the significance of these changes in terms of the function of U.S. RDA's and their relevance to consumers. The Commissioner has concluded that amending the U.S. RDA's at this time to accommodate these changes would not be in the interest of consumers. (The new RDA's for zinc are consistent with the U.S. RDA's already established for zinc.) However, it is reasonable to anticipate changes in the existing U.S. RDA's to reflect changes in the RDA's when the latter are next revised. The Commissioner does not believe that the requested revision of the U.S. RDA's would significantly decrease the cost of foods to consumers.

15. A food retailer requested that paragraph (e) (5) of § 80.1 (§ 80.1(a) (2) (v) of this final regulation) be changed to remove the word "attains." The comment noted that this paragraph provides that § 80.1 applies if an added vitamin or mineral per single serving "attains or exceeds 50 percent" of the U.S. RDA. It recommended that the word "attains" be removed "to keep the arithmetic simple for the consumer" by allowing a food to provide and declare 50 percent of the U.S. RDA without triggering the requirements of § 80.1.

This same request was denied when FDA's nutrition labeling regulations were promulgated in the FEDERAL REGISTER of March 14, 1973 (38 FR 6951) (see No. 13 at 38 FR 6952), and the Commissioner is not aware of any evidence to indicate that change is needed. This issue is not really one of "simple arithmetic" for the consumer; rather, the issue is whether a preparation which provides 50 percent of the U.S. RDA per serving is more in the nature of a dietary supplement or of an ordinary food. The Commissioner concludes that such a product is appropriately regulated as a dietary supplement.

16. One exception requested that the meaning of "raw agricultural commodities" in paragraph (e) (6) of § 80.1 (now redesignated as § 80.1(a) (2) (vi)) be clarified. Another comment argued that marine products as well as raw agricultural commodities ought to be exempted from § 80.1 and that the phrase "including marine products" should be reinstated in § 80.1(e) (6), thereby exempting them on the same terms they were exempted before the May 28, 1975 amendment of § 80.1.

The Commissioner advises that the term "raw agricultural commodity" is defined in section 201(r) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(r)) as "any food in its raw or natural state." The term "any food" in section 201(r) includes marine products. The Phrase "in its raw or natural state" means that nothing has been done to the article, other than superficial treatment such as washing its surface, to change the article physically or chemically before marketing.

17. A request was made by a manufacturer of vitamin products that the interim lower limit of 0.05 mg established for biotin in footnote 4 to the table in § 80.1(f) (1) (now redesignated as § 80.1 (d) (1)) be extended past the December 31, 1976 deadline. The exception sought this extension due to the delays in implementation of regulations for combination vitamin/mineral products. This same exception also requested that a change be made in the final revisions to allow the use of "vitamin H" as a synonym for biotin.

The Commissioner has determined there is no evidence that would justify an extension of the interim lower limit of 0.05 mg for biotin. This extension was originally granted in 1973 pursuant to evidence that insufficient amounts of biotin were available to producers of dietary supplements. The extension was for a period in excess of 3 years, which was a reasonable amount of time and which the author of this exception admits has resulted in increased availability of biotin. Furthermore, it should be noted that this is an optional ingredient in dietary supplements and that the increased lower limits of biotin (0.075 mg for children under 4, 0.15 mg for adults and children 4 or more years of age, and 0.3 mg for pregnant or lactating women) are not unreasonable.

The Commissioner has further determined that the use of "vitamin H" as a synonym for biotin will not be sanctioned. "Vitamin H" is an obsolete term that never truly described a discrete chemical entity; it was used to denote an uncharacterized semipure substance isolated from natural sources with vitamin-like biological activity in a test organism. It has not been accepted in the nutritional literature as an alternate name for biotin. Furthermore, the Commissioner desires to encourage use of uniform nomenclature in label declaration of nutrients, in order to facilitate consumer comparisons between products. The use in labeling of "vitamin H" as an alternate name for biotin would serve no useful public purpose.

18. One exception asked that the regulations be revised to include an express proviso authorizing the sale of "imitation" dietary supplements.

The Commissioner believes that it would be misleading to sell a vitamin/mineral preparation which fails to comply with § 80.1 as an "imitation dietary supplement." Furthermore, the Commissioner notes that this exception was filed before passage of the 1976 vitamin and mineral amendments to the act. The purpose of this exception was to seek a means of marketing vitamin/mineral preparations that do not conform to FDA's definition and standard of identity (§ 80.1). Since the new legislation generally prohibits FDA from limiting the inclusion of ingredients or maximum potency of vitamins and minerals in safe dietary supplements for adults (other than pregnant or lactating women), the purpose of the exception largely has been achieved by the new legislation.

19. One exception felt that more detailed labeling should be required to inform consumers of the composition and quality of dietary supplements. It was suggested in this exception that all ingredients be listed on the label, that the weight of each ingredient be disclosed, and that the expiration date and potency of the ingredients at the time of expiration be provided.

The Commissioner advises that §80.1 (i) (1) already requires that labels of dietary supplements list each nutrient supplied in terms of U.S. RDA's and in terms of miligrams (or other appropriate units of measure as specified in § 80.1(d) (1)). Expiration dating for nutrients subject to deterioration is provided for in § 80.1(1).

20. Another exception objected to the wording of the Commissioner's May 28, 1975 tentative amendment of § 125.2(b)(2). It was suggested that instead of the present proviso regarding iron requirements, and in accordance with the Court of Appeals' decision, the following clause be inserted in parentheses after the first word of paragraph (b)(2): "Except for the iron requirements of infants, children, and women of child-bearing age."

The Commissioner has determined that the present wording of § 125.2(b)(2) accurately reflects his intention and the requirements of the Court, which found that, based upon the existing record, women of child-bearing age and children do have difficulty in obtaining iron requirements from conventional foods and that therefore a general statement to that effect is not misleading and should be allowed (504 F. 2d 802).

21. One exception opposed tentative § 125.3(c), which would have required that a labeling representation that a vitamin or mineral is derived from a certain source be accompanied by a declaration of the percentage of the vitamin or mineral provided by that source.

Although the Commissioner believes that § 125.3(c) was a desirable provision, he has concluded that it was not within the scope of the remand instructions of the Court of Appeals, and accordingly the provision has been deleted from the regulations issued below. It should be noted, however, that section 403(a) of the act continues to prohibit the sale of products with false or misleading labeling. This includes a product represented as containing significant quantities of a vitamin or mineral from a particular source (e.g., "Vitamin C from Rose Hips"), but which in fact contains only insignificant quantities of the vitamin or mineral from that source.

22. The same exception asked that § 125.2(b)(2) be expanded to include vitamin B_6 folacin, and magnesium because, it asserted, adequate supplies of these nutrients are generally not found in the food supply.

The Commissioner is not aware of any substantial evidence to indicate that a balanced diet of ordinary foods cannot supply adequate amounts of these three nutrients.

E. 1976 Amendments to Federal Food, Drug, and Cosmetic Act

On April 22, 1976, the President signed new legislation which amends the Federal Food, Drug, and Cosmetic Act so as to restrict FDA's authority to limit the inclusion of ingredients and maximum potency of vitamins and minerals in dietary supplements which are offered for use by adults, other than pregnant or lactating women, and are recognized as safe. (Pub. L. 94-278, 94th Congress (Title V); codified as 21 U.S.C. 350.)

Products subject to the legislation. The restrictions in the new legislation apply only to "a food for humans which is a food for special dietary use—(A) which is or contains any natural or synthetic vitamin or mineral, and (B) which—(i) is intended for ingestion in tablet, capsule, or liquid form, or (ii) if not intended for ingestion in such form, does not simulate and is not represented as conventional food (e.g., vitamin enriched bread, milk, breakfast cereals, etc.) and is not represented for use as a sole item of a meal or of the diet." (The legislation provides that "a food shall be considered as intended for ingestion in liquid form only if it is formulated in a fluid carrier and it is intended for ingestion in daily quantities measured in drops or similar small units of measure.")

The legislation specifically provides that it does not apply to a vitamin/mineral preparation "represented for use by individuals in the treatment or management of specific diseases or disorder, by children or by pregnant or lactating women." (The term "children" is defined as "individuals who are under the age of twelve years.") Congress, recognizing the vulnerability of children under 12 years of age and pregnant and lactating women, stated in their Joint Conference Report accompanying this legislation, at page 28, that "it is intended that the Secretary retain full authority to promulgate regulations designed to assure that unsuitable or inappropriate vitamin and mineral preparations are not inadvertently administered to individuals in these vulnerable groups." Labeling provisions designed for this purpose will be proposed in a future issue of the Federal Register.

Thus, in general, the legislation applies to tablets, capsules, droplets, and similar preparations not resembling ordinary foods, which are sold as dietary supplements of one or more vitamins or minerals for use by adults other than pregnant or lactating women.

Definition of "special dietary use." The new legislation defines the term "special dietary use" for purposes of identifying the vitamin/mineral preparations to which it applies. This definition differs in certain particulars from the definition of the term in § 125.1(a) of the August 2, 1973 regulations. Since the definition in the new legislation applies only to those vitamin/mineral preparations subject to the new legislation, the Commissioner could retain the definition published in the August 2, 1973 regulations for other preparations (e.g., dietary supplements represented for use by individuals in the treatment or management of specific diseases or disorders, by children, or by pregnant or lactating women; vitamin/mineral preparations which simulate conventional food; etc.). However, the Commissioner concludes that no useful purpose would be served by such action, which would result in two slightly different definitions of "special dietary use," one applicable to preparations subject to the new legislation and the other applicable to other foods for special dietary use. Accordingly, the final revised regulations adopt the definition of "special dietary use" contained in the new legislation for all foods governed by Part 125.

Effect of the new legislation. The new legislation provides that FDA may not rely on its authority under section 401 of the act (21 U.S.C. 341) to establish standards of identity for foods or its authority under sections 201(n) and 403 of the act (21 U.S.C. 321(n) and 343) to prevent misbranding of foods, to establish maximum limits on the potency of any vitamin or mineral, or to restrict the combination or number of any vitamin, mineral, or other ingredient in a preparation to which it applies.

FDA retains authority to require that a vitamin or mineral included in a dietary supplement be present in an amount appropriate for dietary supplementation, i.e., to establish minimum potency requirements so that preparations providing quantities of a vitamin or mineral insufficient for supplementation purposes may be prohibited.

The new legislation provides that ingredients that are not vitamins or minerals (e.g., rutin, other bioflavonoids, or para-aminobenzoic acid) may not be listed in the labeling of a preparation to which the legislation applies except as a part of a list of all ingredients in the product (i.e., the list which includes all ingredients used in the manufacture of the product, including preservatives, stabilizers, flavors, sweeteners, colors, carriers, bases, etc., in descending order of predominance by weight). The new legislation also provides that the labeling and advertising for any food to which it applies may not give prominence to or emphasize ingredients which are not vitamins, minerals, or represented as a source of vitamins or minerals.

Restrictions on formulations because of safety considerations. The new legislation does not restrict FDA's authority to limit the composition of dietary supplements on the basis of safety considerations. For example, if use of a vitamin or mineral is not generally recognized as safe, within the meaning of section 201(s) of the act (21 U.S.C. 321(s)), it may be used only in a manner consistent with an approving food additive regulation and pursuant to sections 402(a)(2)(C) and 409 of the act (21 U.S.C. 342(a)(2)(C), and 348). Thus, FDA has promulgated a food additive regulation limiting, for reasons of safety, the amount of the vitamin folic acid which may be used in dietary supplements in accordance with § 121.1134 (21 CFR 121.1134). Likewise, pursuant to section 503(b) of the act (21 U.S.C. 353(b)), FDA has restricted to prescription drug status high potency preparations of vitamins A and D which are not safe for use except under the supervision of a physician, as provided by §§ 250.109 and 250.110 (21 CFR 250.109 and 250.110). (These regulations have been sustained in court. *National Nutritional Foods Assn. v. Weinberger*, 512 F. 2d 688 (2d Cir. 1975), ____ F. Supp. ____ (No. 73 Civ. 3448, July 2, 1976).)

False claims. The new legislation does not permit false or misleading claims to be made for a vitamin/mineral preparation. If labeling is false or misleading in any particular, the product will be deemed to be misbranded pursuant to sections 201(n) and 403(a) of the act (21 U.S.C. 321(n) and 343(a)).

Drug claims. The legislation also provides that FDA may not classify a vitamin/mineral preparation as a drug "solely because it exceeds the level of potency which the Secretary [FDA] determines is nutritionally rational or useful." However, pursuant to section 201 (g) (1) (B) of the act (21 U.S.C. 321(g) (1) (B)), if the labeling or advertising for a vitamin/mineral preparation makes drug claims, the preparation is a drug subject to the drug requirements of the act.

Advertising of vitamin/mineral preparations. The new legislation gives FDA limited new authority over the advertising of vitamin/mineral preparations. Generally, the Federal Trade Commission (FTC) has exclusive authority over the advertising of food. Under the new legislation, FDA may pursue seizures and injunctions under the act when the advertising of a vitamin/mineral preparation is misleading in a material respect. However, before taking such action, FDA is in most instances required under the new legislation to notify FTC of a suspected advertising violation. If within 90 days FTC or the Attorney General takes action against the advertising under the Federal Trade Commission Act, FDA may not institute action under the Federal Food, Drug, and Cosmetic Act. (This requirement of prior notice to FTC and deferral to action under the Federal Trade Commission Act does not apply if FDA action against the advertising "is required to eliminate an imminent hazard to health.")

Summary. The regulations promulgated below have been revised to comply with the new amendments to the Federal Food, Drug, and Cosmetic Act as well as the remand directions of the Second Circuit. This has been accomplished by incorporating in § 125.1 the legislative definition of "special dietary use", as discussed above, and by adding new paragraph (e) to § 80.1 which provides that products subject to the new vitamin/mineral legislation are not subject to the maximum potency limits and the limits on inclusion of ingredients otherwise imposed on dietary supplements by §§ 80.1 and 125.2(b) (5). (A cross-reference to § 80.1(e) has been added to § 125.2(b) (5).) The maximum potency limits and limits on inclusion of ingredients established by § 80.1 remain applicable to preparations not subject to the new vitamin/mineral legislation, e.g., dietary supplements offered for use by infants or by pregant or lactating women.

F. OTHER MATTERS

(1) *Reorganization and recodification of regulations for clarity.* In addition to substantive revisions of the regulations discussed in sections B, D, and E above, the Commissioner has reorganized the regulations to improve clarity. For example: § 80.1 has been expanded; paragraphs (a) through (n) have been given descriptive subject headings; and various provisions of the regulation have been relocated under the appropriate headings. Thus, the list of articles not subject to the definition and standard of identity has been given an appropriate heading and moved forward to § 80.1(a) (2), where it follows immediately after § 80.1(a) (1), which, under appropriate heading, describes the articles that are subject to the definition and standard. (In the regulations as published August 2, 1973, the articles not subject to the definition and standard were listed at both paragraphs (b) (5) and (e) of § 80.1, and the exemptive provision at paragraph (b) (5) appeared under a heading which did not accurately characterize the provision.)

(2) *Effective date.* The Commissioner recognizes that the new regulations are likely to require extensive relabeling (as well as some reformulation for dietary supplements represented for use by infants, children, or pregnant or lactating women), and he intends to allow reasonable time for compliance.

On the other hand, the new vitamin and mineral legislation requires extensive labeling revisions even in the absence of the new FDA regulations. For example, the new legislation provides that a preparation to which it applies may not list its ingredients that are not vitamins and minerals except as a part of a list of all the ingredients and in accordance with applicable regulations under section 403 of the act (21 U.S.C. 343), i.e., §§ 1.10 and 1.10a (21 CFR 1.10 and 1.10a). Congress provided that the labeling requirements of the new legislation "shall take effect 180 days after the date of enactment of this Act." The new legislation was enacted April 22, 1976, and thus it will become effective October 19, 1976. The Commissioner cannot postpone enforcement of an act of Congress without just and compelling cause.

In consideration of the extensive relabeling that will be required for compliance with the new regulations, the Commissioner has determined to postpone the effective date of the new regulations until January 1, 1978, i.e., he will apply the regulations to products that are initially introduced into interstate commerce on or after that date. Voluntary compliance may begin immediately.

To facilitate uniform labeling changeovers by industry, the Commissioner advises that he will similarly postpone enforcement of the labeling requirements of the new vitamin and mineral legislation, i.e., that he will apply the labeling requirements of the new legislation to products that are initially introduced into interstate commerce on or after January 1, 1978. Again, voluntary compliance may begin immediately.

(3) *Judicial review.* In promulgating these revised regulations, the Commissioner has endeavored to comply conscientiously with the remand directions of the Court of Appeals. Furthermore, recognizing the will of Congress, the Commissioner has moved expeditiously also to amend the regulations so that they no longer purport to limit the inclusion of ingredients or maximum potency of vitamins or minerals in preparations subject to the new legislation. The Commissioner believes that there is no valid pretext for further litigation over the propriety of these regulations. However, if anyone should believe that the new regulations fail to comply with the remand directions of the Court of Appeals, with due consideration to Congress' new requirements, the Commissioner asks that any such person seek relief from the U.S. Court of Appeals for the Second Circuit forthwith so that the matter can be settled as quickly as possible. The regulation of dietary supplements has been a matter of controversy for several years, with almost constant activity and uncertainty in administrative, judicial, and legislative arenas. There is need now for some finality and certainty in the rules to govern this subject.

The Commissioner has reviewed these final revised regulations and concludes that they will not significantly affect the quality of the human environment and that an environmental impact statement is not required. A copy of the environmental assessment is on file with the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852.

Therefore, in accordance with the foregoing discussion, and pursuant to the Federal Food, Drug, and Cosmetic Act (secs. 201(n), 401, 403 (a) and (j), 411, 701 (a) and (e), 52 Stat. 1041, 1046-1048, 1055, 70 Stat. 919, 90 Stat. 410-411 (21 U.S.C. 321(n), 341, 343 (a) and (j), 350, 371 (a) and (e))), and under authority delegated to the Commissioner (21 CFR 5.1) (recodification published in the FEDERAL REGISTER of June 15, 1976 (41 FR 24262)), Chapter I of Title 21 of the Code of Federal Regulations is amended as follows:

In Part 80 by revising § 80.1 to read as follows:

§ 80.1 Dietary supplements of vitamins and minerals.

(a) *General provisions*—(1) *Articles subject to this regulation; "dietary supplements".* The dietary supplements of vitamins and/or minerals for which definitions and standards of identity are prescribed by this section are prepared and offered as tablets, capsules, wafers, or other similar uniform units; in powder, granular, flake, or liquid form; or in the physical form of conventional foods; and purport to be or are represented for special dietary use by man to supple-

ment his diet by increasing the total dietary intake of one or more of the essential vitamins and/or minerals specified in paragraph (d) of this section. The dietary supplements of vitamins and/or minerals are henceforth referred to as "dietary supplements" in this section.

(2) *Articles not subject to this regulation.* This section does not apply to:

(i) Any food which contains or consists of any vitamin or mineral listed in § 125.1(b)(1) of this chapter, or any combination thereof, provided that all of the following requirements are met: (*a*) No such nutrient is contained at a level of 50 percent or more of the adult U.S. RDA per serving for that nutrient, (*b*) no direct or implied representation is made on the label, in labeling, or in advertising that the product is a dietary supplement or is adequate or appropriate for supplementing the daily diet with essential nutrients, and (*c*) the product is labeled pursuant to § 1.17 of this chapter.

(ii) Foods the composition of which is defined by other regulations, e.g., other foods for which definitions and standards of identity or nutritional quality guidelines have been promulgated, or statutes.

(iii) Any food represented for use as the sole item of a meal or of the diet.

(iv) Foods represented for use solely under medical supervision to meet nutritional requirements in specific medical conditions.

(v) Conventional foods to which one or more nutrient(s) listed in paragraph (d)(1) of this section are added to improve nutritional quality, unless the total level, including any naturally occurring amounts, of any such added vitamin or mineral per single serving attains or exceeds 50 percent of the U.S. Recommended Daily Allowance (U.S. RDA) for adults and children 4 years or more of age as specified in § 125.1(b)(1), in which case the provisions of both this section and § 1.17 shall apply. If the provisions of both this section and § 1.17 of this chapter apply to a food, the labeling of such food shall conform to the labeling established in this section except that the labeling established in § 1.17(c), including the order for listing vitamins and minerals established in § 1.17(c)(7)(iv), shall be used in lieu of the labeling established in paragraph (i)(1) of this section.

(vi) Raw agricultural commodities.

(vii) A food with nutrients restored to pre-processing levels or added pursuant to § 1.8(e) of this chapter so that it is not nutritionally inferior to the food for which it substitutes and which it resembles.

(3) *Enforcement.* Any food product that meets the definition of a dietary supplement in paragraph (a)(1) of this section and which is not subject to any of the exemptions set forth in paragraph (a)(2) of this section and which fails to comply with the requirements of this section, including a multicomponent supplement not subject to paragraph (e) of this section which offers an added vitamin or mineral not permitted by this section or which offers a greater potency of any vitamin or mineral than is permitted by this section, will be deemed to be in violation of section 403(g) of the Federal Food, Drug, and Cosmetic Act (hereafter "the act"), which provides that a food shall be deemed to be misbranded if it purports to be or is represented as a food for which a definition and standard of identity has been prescribed, unless it conforms to the definition and standard.

(4) *Other requirements of law.* Compliance with the requirements of this section does not exempt a dietary supplement from other requirements of any other applicable regulations, whether or not cross-referenced herein.

(5) *Amendments to this standard.* Amendment of the permissible combinations of vitamins and/or minerals, as established in paragraph (b) of this section, or of the permitted range of potency for any vitamin(s) or mineral(s) in a dietary supplement as established in paragraph (c) of this section, or any other amendments to this section, may be proposed by the Commissioner of Food and Drugs on his own initiative or upon petition by an interested person in accordance with the procedure set forth in Part 2 of this chapter. Any such petition shall be submitted in the form set forth in § 2.65 of this chapter and shall include data to show that such amendment will promote honesty and fair dealing in the interest of consumers.

(b) *Inclusion of vitamins and minerals in dietary supplements.* Except as provided in paragraph (e) of this section: (1) A dietary supplement consisting of more than one vitamin or mineral shall contain only those vitamins and/or minerals listed in paragraph (d)(1) of this section and shall be offered for its vitamin and/or mineral content only in the following combinations, with the provision that any vitamin or mineral defined as optional in paragraph (d)(1) of this section may be omitted:

(i) All vitamins and minerals.

(ii) All vitamins.

(iii) All minerals.

(iv) All vitamins and the mineral iron.

(v) A dietary supplement of vitamins A, D, and C, represented for use by infants and/or children under 4 years of age, composed of vitamin A, vitamin D and vitamin C. Vitamin E and/or iron may be included as optional ingredients in such a preparation: *Provided,* That inclusion of the optional ingredients vitamin D and/or phosphorous in the dietary supplements identified in paragraph (b)(1)(i), (ii), (iii) or (iv) of this section does not require inclusion of any additional optional ingredients. Inclusion of the optional ingredients biotin and pantothenic acid and/or copper and zinc in such products does not require inclusion of vitamin D and/or phosphorus when the latter two nutrients are optional. Inclusion of any of the other optional ingredients (biotin ar pantothenic acid for vitamins and copper or zinc for minerals) in such products requires the inclusion of both such optional ingredients if the product is a multivitamin or multimineral supplement, and requires the inclusion of all four such ingredients if the product is a multivitamin and multimineral supplement; and: *Provided further,* That folic acid is optional for liquid dietary supplements because of instability of the vitamin in liquid preparations. A liquid dietary supplement represented as a "multivitamin" preparation but not containing folic acid shall bear the following statement on the label: "This product does not contain the essential vitamin folic acid," which shall immediately follow the listing of vitamins and minerals as prescribed in paragraph (i) of this section.

(2) A dietary supplement may also be composed of a single vitamin or mineral.

(c) *Potency of vitamins and minerals in dietary supplements.* (1) Except as provided in paragraph (e) of this section, and subject to good manufacturing practices, dietary supplements shall contain in the specified daily quantity not less than the lower limit nor more than the upper limit of any nutrient specified in paragraph (d)(1) of this section for the groups for which the supplement is offered.

(2) For the purposes of this section, the term "daily quantity" means the quantity of a dietary supplement that shall be specified in the labeling for consumption in a period of 1 day, and which shall be an amount or number of units reasonably suitable for and practicable of consumption in 1 day.

(d) *U.S. Recommended Daily Allowance.* (1) The following table sets forth the permissible qualitative and quantitative composition of dietary supplements of vitamins and/or minerals for purposes of paragraphs (b) and (c):

U.S. recommended daily allowances (U.S. RDA's) and permissible compositional ranges for dietary supplements of vitamins and minerals

	Unit of measurement	Children under 4 years of age [1]			Adults and children 4 or more years of age			Pregnant or lactating women		
		Lower limit	U.S. RDA	Upper limit	Lower limit	U.S. RDA	Upper limit	Lower limit	U.S. RDA	Upper limit
Vitamins—Mandatory:										
Vitamin A	International units	1,250	2,500	2,500	2,500	5,000	5,000	5,000	8,000	8,000
Vitamin D [2]	do	200	400	400				400	400	400
Vitamin E	do	5	10	15	15	30	45	30	30	60
Vitamin C	Milligrams	20	40	60	30	60	90	60	60	120
Folic acid [3]	do	.1	.2	.3	.2	.4	.4	.4	.8	.8
Thiamine	do	.35	.70	1.05	.75	1.50	2.25	1.50	1.70	3.00
Riboflavin	do	.4	.8	1.2	.8	1.7	2.6	1.7	2.0	3.4
Niacin	do	4.5	9.0	13.5	10.0	20.0	30.0	20.0	20.0	40.0
Vitamin B_6	do	.35	.70	1.05	1.00	2.00	3.00	2.00	2.50	4.00
Vitamin B_{12}	Micrograms	1.5	3.0	4.5	3.0	6.0	9.0	6.0	8.0	12.0
Optional:										
Vitamin D	International units				200	400	400			
Biotin	Milligrams	.075	.150	0.225	.150	.300	.450	.300	.300	.600
Pantothenic acid	do	2.5	5.0	7.5	5.0	10.0	15.0	10.0	10.0	20.0
Minerals—Mandatory:										
Calcium	Grams	.125	.800	1.200	.125	1.000	1.500	.125	1.300	2.000
Phosphorus [4]	do	.125	.800	1.200	.125	1.000	1.500			
Iodine	Micrograms	35	70	105	75	150	225	150	150	300
Iron	Milligrams	5	10	15	9	18	27	18	18	60
Magnesium	do	40	200	300	100	400	600	100	450	800
Optional:										
Phosphorus [4]	Grams							.125	1.300	2.000
Copper	Milligrams	.5	1.0	1.5	1.0	2.0	3.0	1.0	2.0	4.0
Zinc	do	4.0	8.0	12.0	7.5	15.0	22.5	7.5	15.0	30.0

[1] When labeled for use by infants, a dietary supplement shall contain not less than the lower limit designated for a nutrient in this set of columns, nor more than 100 percent of the infant U.S. RDA for a nutrient as prescribed in sec. 125.1(b) of this chapter except that the level of biotin, when used, shall be 0.05 mg daily recommended quantity.
[2] Optional for adults and children 4 or more years of age.
[3] Optional for liquid products.
[4] Optional for pregnant or lactating women. When present, the quantity of phosphorus may be not greater than the quantity of calcium.

(2) The U.S. Recommended Daily Allowances (U.S. RDA's) have been derived by the Food and Drug Administration from the "Recommended Dietary Allowances," published by the Food and Nutrition Board, National Academy of Sciences/National Research Council, and are subject to amendment as more knowledge on human nutrient requirements becomes available.

(3) For determining the percentage of the U.S. RDA present in a dietary supplement, the quantitative content of the following vitamins shall be calculated in terms of the following chemically identifiable reference forms:

Reference form

Vitamin	Name	Empirical formula	Molecular weight
Vitamin C	*L*-Ascorbic acid	$C_6H_8O_6$	176.2
Folic acid	Pteroyl mono-*L*-glutamic acid	$C_{19}H_{19}N_7O_6$	441.41
Thiamine	Thiamine chloride hydrochloride	$C_{12}H_{17}ClN_4OS.HCl$	337.28
Riboflavin	Riboflavin	$C_{17}H_{20}N_4O_6$	376.37
Niacin	Nicotinic acid	$C_6H_5NO_2$	123.11
Vitamin B_6	Pyridoxine	$C_8H_{11}NO_3$	169.18
Vitamin B_{12}	Cyanocobalamin	$C_{63}H_{88}CoN_{14}O_{14}P$	1,355.40
Biotin	*D*-Biotin	$C_{10}H_{16}N_2O_3S$	244.31
Pantothenic acid	*D*-Pantothenic acid	$C_9H_{17}NO_5$	219.23

(4) In addition to the nutrients listed in paragraph (d)(1) of this section, other vitamins and minerals recognized as essential or probably essential in human nutrition in their biologically active forms but for which no U.S. RDA's have been established are: vitamin K; choline, and the minerals chlorine, chromium, fluorine, manganese, molybdenum, nickel, potassium, selenium, silicon, sodium, tin, and vanadium.

(e) *Exemption from limitations on inclusion of ingredients and from maximum potency restrictions for certain dietary supplements.* (1) Pursuant to section 411(a)(1) of the act, the limitations established by paragraphs (b) and (d) of this section and by § 125.2(b)(5) of this chapter with respect to the inclusion of vitamins, minerals, and other ingredients in dietary supplements, and the maximum limits on potency established by paragraphs (c) and (d) of this section shall not apply to a food for special dietary use, defined in § 125.1(a)(1) of this chapter, which is or contains any vitamin or mineral and which complies with the following criteria:

(i) The preparation is intended for ingestion in tablet, capsule, or liquid form, or, if not intended for ingestion in such a form, does not simulate and is not represented as conventional food and is not represented for use as a sole item of a meal or of the diet; and

(ii) The preparation is not represented for use by individuals in treatment or management of specific diseases or disorders, by children, or by pregnant or lactating women.

(2) For purposes of paragraph (e)(1) of this section: a food shall be considered as intended for ingestion in liquid form only if it is formulated in a fluid carrier and it is intended for ingestion in daily quantities measured in drops or similar small units of measure; and the term "children" means individuals who are under the age of 12 years.

(3) The exemption provided by section 411(a)(1) of the act and paragraph (e)(1) of this section does not apply to minimum potency requirements established by this section. Whenever a vitamin or mineral for which a U.S. RDA has been established is included in a dietary supplement, the supplement shall provide in the recommended daily quantity at least the lower potency limit for the vitamin or mineral established by the table in paragraph (d)(1) of this section.

(4) The exemption provided by section 411(a)(1) of the act and paragraph (e)(1) of this section does not apply to restrictions on maximum potency imposed by the act or by regulations for reasons of safety under paragraph (f) of this section.

(f) *Restrictions on maximum potency of vitamins and minerals for reasons of safety.* Restrictions of the maximum potency of a vitamin or mineral may be imposed for reasons of safety by the act or by regulation. For convenience, certain restrictions are cross-referenced below:

(1) Vitamin A—See § 250.109.

(2) Vitamin D—See § 250.110.

(3) Folic acid—See § 121.1134.

(4) Iodine—See §§ 121.1073 and 121.1149.

(5) Copper—See § 121.101(d)(5).

(6) Fluorine—See § 121.10.

(7) Potassium—See § 201.306.

(8) Any vitamin or mineral which is included in a dietary supplement and which is not generally recognized, among experts qualified by scientific training and experience to evaluate its safety, as having been adequately shown to be safe under the conditions of its intended use is a food additive within the meaning of section 201(s) of the act, and pursuant to sections 402(a)(2)(C)

and 409 of the act such inclusion is illegal in the absence of a food additive regulation approving such inclusion. A listing of some of the vitamins, minerals, and compounds with vitamin and/or mineral properties which are generally recognized as safe, and which thus may lawfully be included in a dietary supplement without a food additive regulation, appears at § 121.101(d)(5).

(g) *Acceptable ingredient sources for dietary supplements:* (1) A vitamin or mineral used in a dietary supplement may be supplied by any suitable substance which is not a food additive as defined in section 201(s) of the act; or if it is a food additive as so defined, it shall be used in conformity with regulations established pursuant to section 409 of the act.

(2) Any safe and suitable substance may be used as preservative, stabilizer, flavor, sweetener, color, seasoning, carrier, base, or vehicle, or to facilitate preparation of vitamin or mineral substances. A dietary supplement shall be prepared so that any such substance contained therein does not exceed the amount reasonably required to accomplish its intended physical or technical effect, and so that the biological availability of the vitamin(s) and mineral(s) is not impaired by the presence of such substance. Any such substance shall not be a food additive or color additive as defined in section 201 (s) or (t) of the act; or if it is a food additive or color additive as so defined, it shall be used in conformity with regulations established pursuant to section 409 or 706 of the act.

(h) *Nomenclature.* (1) The name of a dietary supplement shall consist of a term descriptive of the vitamin and/or mineral composition of the product, as established in paragraph (h)(2) of this section, together with a phrase or phrases designating the group(s) for which the supplement is intended, as established in paragraph (h)(3) of this section, e.g., "multivitamin and multimineral supplement for children under 4 years of age"; "dietary supplement of vitamin C and E for adults". The name of the dietary supplement shall appear prominently and conspicuously on the principal display panel(s) of the label. The letters or phrase(s) designating the consumer group(s) for which the product is represented. shall be no less than one-third the size of those used in the term descriptive of the composition of the product. In addition to the name prescribed by this paragraph, a dietary supplement may be labeled with a proprietary name: *Provided,* That it is not false or misleading in any particular.

(2) The terms used to describe the vitamin and/or mineral composition of dietary supplements shall be as follows:

(i) "Multivitamin and multimineral supplement" for a dietary supplement containing all vitamins and minerals identified as "mandatory," for the group(s) for which the supplement is offered, in the table in paragraph (d)(1) of this section.

(ii) "Multivitamin supplement" for a dietary supplement containing all vitamins identified as "mandatory," for the group(s) for which the supplement is offered, in the table in paragraph (d)(1) of this section.

(iii) "Multimineral supplement" for a dietary supplement containing all minerals identified as "mandatory," for the group(s) for which the supplement is offered, in the table in paragraph (d)(1) of this section.

(iv) "Multivitamin and iron supplement" or "multivitamin supplement with iron" for a dietary supplement containing all vitamins identified as "mandatory," for the group(s) for which the supplement is offered, in the table in paragraph (d)(1) of this section and the mineral iron.

(v) "_____ supplement" for a dietary supplement containing a single vitamin or mineral listed in paragraph (d) of this section (the blank to be filled in with the name of the vitamin or mineral).

(vi) "Dietary supplement of vitamins A, D, and C" for a preparation complying with paragraph (b)(1)(v) of this section, provided that if vitamin E is included, the term shall read "* * * vitamins A, D, C, and E * * *," and that if iron is included, the term shall conclude with "* * * with iron" or "* * * and iron."

(vii) If, pursuant to section 411(a)(1) of the act and paragraph (e)(1) of this section, the dietary supplement contains more than one vitamin or mineral but does not meet the criteria for any of the preparations identified in paragraph (h)(2)(i) through (vi) of this section, the preparation shall bear a term that is accurately descriptive of its vitamin and/or mineral composition, e.g., "dietary supplement of vitamins A, C, and E." The term "multivitamin" shall not be used to describe a product which fails to provide all of the vitamins identified as "mandatory," for the group(s) for which the supplement is offered, in the table in paragraph (d), except as provided in the second proviso clause of paragraph (b)(1) of this section with respect to a liquid multivitamin preparation which does not include folic acid, and the term "multivitamin" shall not be used to describe a product which fails to provide all of the minerals identified as "mandatory," for the group(s) for which the supplement is offered, in the table in paragraph (d)(1) of this section.

(3) The phrases used to designate the group(s) for which a dietary supplement is intended shall be as follows:

(i) "For infants."

(ii) "For children under 4 years of age."

(iii) "For adults and children 4 or more years of age."

(iv) "For pregnant or lactating women."

(v) If, pursuant to section 411(a)(1) of the act and paragraph (e)(1) of this section, a dietary supplement does not comply with the formulation and potency criteria established in paragraphs (b) and (c) of this section, the supplement may not be offered for any of the groups identified in paragraph (h)(3)(i) through (iv) because the exemption from formulation and potency restrictions authorized by section 411 (a)(1) of the act and paragraph (e)(1) of this section does not apply to preparations offered for use by persons under 12 years of age or by pregnant or lactating women. Such a preparation shall accurately identify the group for which it is offered, e.g., "For adults" or "For persons 12 years of age or older, other than pregnant or lactating women."

(i) *Format for listing vitamins and minerals.* (1) Immediately following the name of the dietary supplement (i.e., the term descriptive of the vitamin and/or mineral composition of the product together with the phrase or phrases designating the group(s) for which the supplement is intended, as required by paragraph (h) of this section) on the principal display panel, or on the information panel pursuant to § 1.8d of this chapter if insufficient space is available on the principal display panel, the label shall bear a listing in tabular form of each of the vitamins and/or minerals supplied by the specified daily quantity of the dietary supplement, such daily quantity being specified at the top of the list. (In the event a dietary supplement is offered for more than one group, the specified daily quantity and listing of vitamins and/or minerals for each group shall be stated separately on the label.) The vitamins and/or minerals shall be described by the names appearing in paragraph (d) of this section and shall be grouped and identified separately as "vitamins" and/or "minerals" without reference to "mandatory" or "optional." Within each category (i.e., "vitamins" and "minerals"), the vitamins or minerals shall appear in the order listed in paragraph (d) of this section. The quantity of each vitamin and/or mineral present in a specified daily quantity of the dietary supplement shall be stated as a part of this list and expressed in percentage of the U.S. RDA for each group for which the supplement if offered. The quantity of each vitamin and/or mineral present in the specified daily quantity of the dietary supplement shall also appear in the tabular listing in terms of the unit of measure specified in paragraph (d)(1) of this section: *Provided,* That if the dietary supplement includes a vitamin or mineral for which no U.S. RDA has been established, the listing shall state the quantity in standard metric units of weight of each such nutrient supplied by the food when consumed in the specified quantity during a period of 1 day, accompanied by the statement "No U.S. Recommended Daily Allowance (U.S. RDA) has been established for this nutrient," or followed by an asterisk referring to another asterisk placed at the bottom of the table and followed by that statement.

(2) For determining the percentage contents of the U.S. RDA's present in the dietary supplement, the quantitative content of the following vitamins shall be calculated in terms of the following chemically identifiable reference forms:

Reference form

Vitamin	Name	Empirical formula	Molecular weight
Vitamin C	*L*-Ascorbic acid	$C_6H_8O_6$	176.12
Folic acid	Pteroyl mono-*L*-glutamic acid	$C_{19}H_{19}N_7O_6$	441.41
Thiamine	Thiamine chloride hydrochloride	$C_{12}H_{17}ClN_4OS.HCl$	337.28
Riboflavin	Riboflavin	$C_{17}H_{20}N_4O_6$	376.37
Niacin	Nicotinic acid	$C_6H_5NO_2$	123.11
Vitamin B_6	Pyridoxine	$C_8H_{11}NO_3$	169.18
Vitamin B_{12}	Cyanocobalamin	$C_{62}H_{88}CoN_{14}O_{14}P$	1,355.40
Biotin	*D*-Biotin	$C_{10}H_{16}N_2O_3S$	244.31
Pantothenic acid	*D*-Pantothenic acid	$C_9H_{17}NO_5$	219.23

(3) The following synonyms may be added in parentheses immediately following the name of the vitamin in the listing described in paragraph (i) (1) of this section:

Vitamin	*Synonym*
Vitamin C	Ascorbic acid.
Folic acid	Folacin.
Riboflavin	Vitamin B_2.
Thiamine	Vitamin B_1.

(j) *List of ingredients.* A separate list of all ingredients used in the manufacture of the product shall be included on the panel pursuant to the requirements of Part 1 of this chapter. Such list shall include the natural source or chemical form of each individual nutrient present in the dietary supplement.

(k) *Dietary supplements containing alcohol.* When a dietary supplement is in liquid form and contains alcohol, the label shall state the percent-by-volume of alcohol present.

(l) *Expiration date.* A dietary supplement containing one or more nutrients subject to deterioration below the labeled value before consumption shall bear on its outside wrapper or container, as well as on the label of its immediate container, the statement: "Expiration date _____," the blank to be filled in with a month and year. The expiration date shall be the date selected by the manufacturer, packer, or distributor of the dietary supplement on the basis of tests or other information showing that the dietary supplement, until that date, under the conditions of handling, storage, and use prescribed by directions appearing on its label, or, in the absence of such prescribed directions, under customary or usual conditions of handling, storage and use, will contain not less than the quantity of each such vitamin and/or mineral, as set forth on its label, when consumed.

(m) *Conspicuousness of labeling.* All labeling information required by this section shall appear with the conspicuous required by section 403(f) of the act and § 1.8d of this chapter. In addition, the following labeling requirements shall be met:

(1) The list of nutrients required by paragraph (i) (1) of this section shall appear in uniform type size.

(2) The synonyms permitted by paragraph (i) (3) of this section, if used, and the list of ingredients required by paragraph (j) of this section shall appear in uniform type size, and in type size no larger than that used for the list of nutrients required by paragraph (i) (1) of this section.

(n) *Certain labeling prohibitions.* Because dietary supplements are foods for special dietary use, the labels and labeling for dietary supplments are subject to the prohibitions contained in § 125.2(b) of this chapter in addition to the requirements of this section.

2. In Part 125:

a. By revising §§ 125.1, 125.2, and 125.3, to read as follows: by revoking § 125.4 and by amending § 125.5(e) by deleting the reference to § 125.4.

§ 125.1 Definitions and interpretations of terms.

The definitions and interpretations of terms contained in section 201 of the Federal Food, Drug and Cosmetic Act (hereafter "the act") shall be applicable with the following additions:

(a) "Special dietary use." (1) The term "special dietary use" as applied to food used by man means a particular use for which a food purports or is represented to be used, including but not limited to the following:

(i) Supplying a special dietary need that exists by reason of a physical, physiological, pathological, or other condition, including but not limited to the condition of disease, convalescence, pregnancy, lactation, infancy, allergic hypersensitivity to food, underweight, overweight, or the need to control the intake of sodium.

(ii) Supplying a vitamin, mineral, or other ingredient for use by man to supplement his diet by increasing the total dietary intake. (Rules applicable to the composition and labeling of dietary supplements of vitamins and minerals, including applicable exemptions, are provided by § 80.1 of this chapter.)

(iii) Supplying a special dietary need by reason of being a food for use as the sole item of the diet.

(2) The use of an artificial sweetener in a food, except when specifically and solely used for achieving a physical characteristic in the food which cannot be achieved with sugar or other nutritive sweetener, shall be considered a use for regulation of the intake of calories and available carbohydrate, or for use in the diets of diabetics and is therefore a special dietary use.

(b) *U.S. Recommended Daily Allowances (U.S. RDA's).* (1) The term "U.S. Recommended Daily Allowance (U.S. RDA)" means the following daily amounts of the following vitamins and minerals:

Vitamins and minerals [1]	Unit of measurement	Infants	Children under 4 years of age	Adults and children 4 or more years of age	Pregnant or lactating women
Vitamin A	International units	1,500	2,500	5,000	5,000
Vitamin D	do	400	400	400	400
Vitamin E	do	5	10	30	30
Vitamin C	Milligrams	35	40	60	60
Folic acid	do	.1	.2	.4	.8
Thiamine	do	.5	.7	1.5	1.7
Riboflavin	do	.6	.8	1.7	2.0
Niacin	do	8	9	20	20
Vitamin B_6	do	.4	.7	2.0	2.5
Vitamin B_{12}	Micrograms	2	3	6	8
Biotin	Milligrams	.05	.15	.30	.30
Pantothenic acid	do	3	5	10	10
Calcium	Grams	.6	.8	1.0	1.3
Phosphorus	do	.5	.8	1.0	1.3
Iodine	Micrograms	45	70	150	150
Iron	Milligrams	15	10	18	18
Magnesium	do	70	200	400	450
Copper	do	.6	1.0	2.0	2.0
Zinc	do	5	8	15	15

[1] The following synonyms may be added in parentheses immediately following the name of the vitamin:

Vitamin:	Synonym
Vitamin C	Ascorbic acid.
Folic acid	Folacin.
Riboflavin	Vitamin B_2.
Thiamine	Vitamin B_1.

(2) The U.S. Recommended Daily Allowances (U.S. RDA's) have been derived by the Food and Drug Administration from the "Recommended Dietary Allowances," published by the Food and Nutrition Board, National Academy of Sciences/National Research Council, and are subject to amendment as more knowledge on human nutrient requirements becomes available.

(3) For determining the percentage of the U.S. RDA present in a quantity of food, as required by § 125.3(a), the quantitative content of the following vitamins shall be calculated in terms of the following chemically identifiable reference forms:

Reference Form

Vitamin	Name	Empirical formula	Molecular weight
Vitamin C	L-Ascorbic acid	$C_6H_8O_6$	176.12
Folic acid	Pteroyl mono-L-glutamic acid	$C_{19}H_{19}N_7O_6$	441.41
Thiamine	Thiamine chloride hydrochloride	$C_{12}H_{17}ClN_4OS.HCl$	337.23
Riboflavin	Riboflavin	$C_{17}H_{20}N_4O_6$	376.37
Niacin	Nicotinic acid	$C_6H_5NO_2$	123.11
Vitamin B_6	Pyridoxine	$C_8H_{11}NO_3$	169.18
Vitamin B_{12}	Cyanocobalamin	$C_{63}H_{88}CoN_{14}O_{14}P$	1,355.49
Biotin	*D*-Biotin	$C_{10}H_{16}N_2O_3S$	244.31
Pantothenic acid	*D*-Pantothenic acid	$C_9H_{17}NO_5$	219.23

(c) In addition to the nutrients listed in paragraph (b) of this section, other vitamins and minerals recognized as essential or probably essential in human nutrition in their biologically active forms but for which no U.S. RDA's have been established are: vitamin K, choline, and the minerals chlorine, chromium, fluorine, manganese, molybdenum, nickel, potassium, selenium, silicon, sodium, tin, and vanadium.

(d) The term "artificial sweetener" means a sweetening substance not used in normal metabolism as a source of calories.

(e) The term "infant" means a person not more than 12 months of age.

(f) The term "serving" means that reasonable quantity of food suited for or practicable of consumption as part of a meal either by an adult male engaged in light physical activity, or by an infant or child when the article purports or is represented to be for infant feeding or child consumption. A label statement regarding a serving, as used in this part, shall be in terms of a convenient unit of such food or a convenient unit of measure that can be readily understood by purchasers of such food, e.g., a serving may be expressed in terms of slices, cookies, or wafers, or in terms of ounces, fluid ounces, teaspoonfuls, tablespoonfuls, or cupfuls. A teaspoonful shall be considered to mean 5 milliliters (approximately ⅙ fluid ounce) in volume; a tablespoonful shall be considered to mean 15 milliliters (approximately ½ fluid ounce) in volume; and a cupful shall be considered to mean 240 milliliters (approximately 8 fluid ounces) in volume.

(g) The term "diabetic" means a person having diabetes mellitus.

§ 125.2 General label statements; dietary properties; value; placement.

(a) If a food purports or is represented to be for any special dietary use, unless covered by other regulations, the principal display panel of its label shall bear a conspicuous statement of the usefulness of the food, limited to a listing of the dietary properties upon which such use is based: *Provided, however,* That if insufficient space is available on the principal display panel, the information panel may be used pursuant to § 1.8d of this chapter, if such use is consistent with § 1.9 of this chapter. Such statement shall show the presence or absence of any substance, any alteration of the quantity or character of any constituent, and any other special dietary property of such food upon which such use is based.

(b) A food which purports or is represented to be a food for special dietary use shall be deemed to be misbranded under sections 201(n) and 403 (a) and (j) of the act if its labeling bears any statement, vignette, or other printed or graphic matter that represents, suggests, or implies:

(1) That the food, because of the presence or absence of certain vitamins and/or minerals, is adequate or effective in the prevention, cure, mitigation, or treatment of any disease or symptom, except that the label may state that the food is a source of an essential nutrient and that this nutrient is important for good nutrition and health, and except that provision shall not apply to foods represented for use solely under medical supervision in the dietary management of specific and disorders.

(2) That a balanced diet of ordinary foods cannot supply adequate amounts of nutrients: *Provided,* That representations may be made that it is often impractical to supply the iron requirements of infants, children, and women of childbearing age with a diet of conventional foods.

(3) That the lack of optimum quality of a food, by reason of the soil on which that food is grown, is or may be responsible for an inadequacy or deficiency in the quality of the daily diet.

(4) That the storage, transportation, processing, or cooking of a food is or may be responsible for an inadequacy or deficiency in the quality of the daily diet.

(5) That the food has dietary properties when such properties are of no significant value or need in human nutrition. Except as provided in § 80.1(e) of this chapter, ingredients or products such as rutin, other bioflavonoids, paraaminobenzoic acid, and similar substances which have in the past been represented as having nutritional properties but which have not been shown to be essential to human nutrition may not be combined with vitamins and/or minerals, added to food labeled in accordance with this section, or otherwise used or represented in any way which states or implies nutritional benefit. Ingredients or products of this type may be marketed as individual products or mixtures thereof: *Provided,* That the possibility of nutritional, dietary, or therapeutic value is not stated or implied. Examples of false or misleading statements or implications are:

(i) Label statements to the effect that need or usefulness in human nutrition has not been established.

(ii) Label statements which otherwise disclaim nutritional, dietary, or therapeutic value.

(6) That a natural vitamin in a food is superior to an added or synthetic vitamin, or that there is a difference be-

tween vitamins naturally present and those that have been added.

§ 125.3 Label statements relating to vitamins and minerals.

(a) *Vitamins and minerals for which U.S. RDA's are established.* If a food purports or is represented to be for special dietary use because of vitamin or mineral properties for which U.S. RDA's have been established, the label shall bear a statement of the percentage of the U.S. RDA of such vitamins and minerals, as set forth in § 125.1(b), supplied by such food when consumed in a specified quantity during a period of 1 day. The quantity specified shall be a reasonable quantity suitable for and practicable of consumption within 1 day. The order in which the nutrients appear on the label shall be the order in § 125.1(b), except when other regulations provide otherwise. Immediately preceding the declaration of vitamin and mineral content, the following heading shall be stated, "Percentage of U.S. Recommended Daily Allowances (U.S. RDA)." If such purported or represented special dietary use is for persons within more than one group for which U.S. RDA's are established, such statement shall include the percentage for each group. When the percentage of the U.S. RDA is a whole number and a fraction or a whole number and a decimal, it shall be expressed as the whole number disregarding the fraction or decimal. The total quantity of vitamins or minerals in a food shall be no less than the amount declared, and no more than a reasonable amount above the declared quantity. Reasonable variations caused by heat, light, oxidation, storage, transportation, or unavoidable deviations in good manufacturing practice are recognized.

(b) *Vitamins and minerals for which no U.S. RDA's are established.* If a food purports or is represented to be for special dietary use because of the presence of a vitamin or mineral for which no U.S. RDA has been established, the quantity of each such nutrient (in the order listed in § 125.1(c), except when other regulations provide otherwise) supplied by the food when consumed in a specified quantity during a period of 1 day shall be stated on the label in standard metric units of weight followed by the statement "No U.S. Recommended Daily Allowance (U.S. RDA) has been established for this nutrient" or by an asterisk referring to another asterisk at the bottom of the table and followed by that statement. The quantity of consumption specified shall be a reasonable quantity suitable for and practicable of consumption within 1 day.

(c) *Applicability.* When paragraphs (a) and (b) of this section are both applicable: information required by paragraph (b) with respect to vitamins shall follow immediately after information required by pargaraph (a) with respect to vitamins; information required by paragraph (b) with respect to minerals shall follow immediately after information required by paragraph (a) with respect to minerals; and the quantity of consumption specified pursuant to each paragraph shall be the same.

(d) *Iodized salt.* The requirements of this section shall not apply to iodized salt when the declared content of the iodine compound in the salt is equivalent to 0.01 percent by weight iodine.

§ 125.4 [Revoked]

b. By revoking § 125.4.

§ 125.5 [Amended]

c. In § 125.5 by deleting the reference to "125.4" in paragraph (e).

Effective date. Voluntary compliance with these regulations may begin October 19, 1976 and all products initially introduced into interstate commerce on or after January 1, 1978, shall fully comply.

(Secs. 201(n), 401, 403 (a) and (j), 411, 701 (a) and (e), 52 Stat. 1041, 1046–1048, 1055, 70 Stat. 919, 90 Stat. 410–411 (21 U.S.C. 321 (n), 341, 343 (a) and (j), 350, 371 (a) and (e)).)

Dated: October 12, 1976.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

[FR Doc.76-30404 Filed 10-18-76;8:45 am]

federal register

TUESDAY, OCTOBER 19, 1976

PART VI:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Insurance Administration

■

NATIONAL FLOOD INSURANCE PROGRAM

Flood Prone Areas of Communities Subject to Section 202 Prohibition of Federal and Federally Related Assistance

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Insurance Administration

[Docket No. N-76-650]

NATIONAL FLOOD INSURANCE PROGRAM

Flood-Prone Areas of Communities Subject to Section 202 Prohibition of Federal and Federally Related Assistance

The purpose of this notice is to provide a list of communities that contain areas of special flood hazard potentially subject to the provisions of section 202 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234) on July 1, 1975, or an appropriate later date, and to provide a convenient reference for interested persons, communities, Federal agencies and instrumentalities, and others involved in assuring compliance with that section. This list supersedes and updates the list published in the FEDERAL REGISTER at 40 FR 33969-34003.

Section 202 provides that effective July 1, 1975, Federal agencies and federally supervised, approved, insured, or regulated lending institutions are prohibited from providing financial assistance or making loans for acquisition or construction purposes in areas which (a) have been designated by the Secretary of Housing and Urban Development as Special Flood Hazard Areas for at least one year; and (b) are in communities which are not participating in the National Flood Insurance Program (42 U.S.C. 4001-4128).

The prohibition does not apply to loans by Federally regulated, insured, supervised or approved lending institutions (1) to finance the acquisition of a residential dwelling occupied as a residence prior to March 1, 1976, or one year following identification of the area within which such dwelling is located as an area containing special flood hazards, whichever is later, or made to extend, renew, or increase the financing or refinancing in connection with such a dwelling, (2) to finance the acquisition of a building or structure completed and occupied by a small business concern, as defined by the Secretary, prior to January 1, 1976, (3) any loan or loans, which in the aggregate do not exceed $5,000, to finance improvements to or rehabilitation of a building or structure occupied as a residence prior to January 1, 1976, or (4) any loan or loans, in which the aggregate do not exceed an amount prescribed by the Secretary, to finance nonresidential additions or improvements to be used solely for agricultural purposes on a farm.

Each of the communities listed below received notice of its designation as flood-prone prior to January 1, 1976, and legal notice was furnished of such designation by publication under Part 1915 of Title 24 of the Code of Federal Regulations in the FEDERAL REGISTER. These communities have failed to provide the Federal Insurance Administrator with sufficient technical or scientific data to rebut their designation as flood prone nor have they as yet qualified for participation in the National Flood Insurance Program. Thus, the sanctions of Section 202 apply as of July 1, 1975, or one year after a community's identification, whichever is later, until the community participates in the program.

In order to continue Federal or federally related assistance or lending in its Special Flood Hazard Area, a community must apply for and be made eligible for participation in the program in accordance with 24 CFR (Parts 1909 to 1920). Communities may receive assistance in applying for participation by contacting the Federal Insurance Administration, 451 Seventh St., S.W., Washington, D.C. 20410, (202) 755-5581, or its toll-free numbers 800-424-8872 or 800-424-8873.

Communities on this list may be made eligible to participate in the program after the date of publication of this list. Such eligibility will be published periodically in the FEDERAL REGISTER under 24 CFR § 1914.6 *List of eligible communities.* At that time the sanctions of section 202 will no longer apply to the communities listed below.

• UNINCORPORATED AREAS ONLY

ALABAMA

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED		
010095	AKRON, TOWN (HALE CO.)	JULY	18, 1975	
010229	ALLGOOD, TOWN (BLOUNT CO.)	JANUARY	24, 1975	
010242	BABBIE, TOWN (COVINGTON CO.)	JANUARY	10, 1975	
010263A	BELK, TOWN OF (FAYETTE CO.)	SEPTEMBER	13, 1974	
010257	BLACK, TOWN OF (GENEVA COU)	FEBRUARY	07, 1975	
010092	BOLIGEE, CITY OF (GREENE CO.)	DECEMBER	13, 1974	
010355A	BRANTLEY, TOWN OF (CRENSHAW CO.)	JUNE	28, 1974	AND
		JUNE	04, 1976	
010204	CARBON HILL, TOWN (WALKER CO.)	OCTOBER	31, 1975	
010119A	CARDIFF, TOWN OF (JEFFERSON CO.)	SEPTEMBER	20, 1974	AND
		JANUARY	23, 1976	
010240	CAROLINA, TOWN (COVINGTON CO.)	JANUARY	10, 1975	
010253	CENTRE, CITY OF (CHEROKEE COU)	FEBRUARY	07, 1975	
010259	COFFEE COUNTY •	JANUARY	17, 1975	
010244	COVINGTON COUNTY •	DECEMBER	13, 1974	
010103A	CUMMINGS, TOWN OF (HOUSTON CO.)	AUGUST	16, 1974	
010355A	DOZIER, TOWN OF (CRENSHAW CO.)	SEPTEMBER	20, 1974	
010212	ELBERTA, TOWN OF (BALDWIN CO.)	NOVEMBER	15, 1974	
010227	FIVE POINTS, TOWN OF (CHAMBERS CO.)	NOVEMBER	15, 1974	
010038	FULTON, TOWN (CLARKE CO.)	JULY	18, 1975	
010353A	GANTT, TOWN OF (COVINGTON CO.)	JUNE	07, 1974	AND
		JANUARY	02, 1976	
010357A	GLENWOOD, TOWN OF (CRENSHAW CO.)	SEPTEMBER	20, 1974	
010293	HARPERSVILLE, TOWN (SHELBY CO.)	APRIL	11, 1975	
010294A	HELENA, TOWN (SHELBY CO.)	JANUARY	10, 1975	AND
		FEBRUARY	13, 1976	
010248	HIGHLAND CITY, TOWN (DALE CO.)	JANUARY	10, 1975	
010232	HOBSON CITY, TOWN OF (CALHOUN CO.)	JANUARY	31, 1975	
010249	HUCKABA, TOWN (DALE CO.)	JANUARY	24, 1975	
010075	HULLAND, TOWN OF (ESCAMBIA CO.)	JANUARY	31, 1975	
010159	PROVIDENCE, TOWN OF (CHARENGO CO.)	NOVEMBER	01, 1974	
010162	RANDOLPH COUNTY •	SEPTEMBER	13, 1974	
010243	RED LEVEL, TOWN (COVINGTON CO.)	JANUARY	10, 1975	
010253	REECE CITY, CITY OF (ETOWAH CO.)	FEBRUARY	21, 1975	
010208	RIVERSIDE, TOWN (ST. CLAIR CO.)	APRIL	04, 1975	
010036	SILAS, TOWN (CHOCTAW CO.)	JULY	11, 1975	
010247	SNEAD, TOWN (BLOUNT CO.)	JUNE	27, 1975	
010271	STEELE, TOWN OF (ST. CLAIR COU)	FEBRUARY	07, 1975	
010100	SWEETWATER, TOWN (CHARENGO CO.)	JULY	18, 1975	
010106	TAYLOR, TOWN OF (HOUSTON CO.)	SEPTEMBER	13, 1974	
010292	VINCENT, TOWN (SHELBY CO.)	APRIL	11, 1975	

TOTAL IN THE STATE 37

* UNINCORPORATED AREAS ONLY

ALASKA

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
320136	HOOPER BAY, CITY OF (UNORGANIZED BORO)	JUNE 28, 1974
	TOTAL IN THE STATE	1

• UNINCORPORATED AREAS ONLY

COMMUNITY NUMBER	NAME	ARIZONA	HAZARD AREA IDENTIFIED
340028	GILA COUNTY •		NOVEMBER 01, 1974
340100	TOMBSTONE, CITY	COCHISE CO]	AUGUST 15, 1975
	TOTAL IN THE STATE	2	

• UNINCORPORATED AREAS ONLY

COMMUNITY NUMBER	NAME		HAZARD AREA IDENTIFIED		
	ARKANSAS				
050377	ALEXANDER, TOWN OF (PULASKI & SALINE)		APRIL	18, 1975	
050378	ALICIA, TOWN (LAWRENCE CO.)		JULY	11, 1975	
050380	ALMYRA, TOWN (ARKANSAS CO.)		AUGUST	15, 1975	
050017A	ALPENA, TOWN OF (BOONE CO.)		AUGUST	30, 1974	AND
			OCTOBER	03, 1975	
050381	ALTUS, CITY (FRANKLIN CO.)		JULY	25, 1975	
050383	AMITY, CITY OF (CLARK CO)		FEBRUARY	21, 1975	
050382	ASH FLAT, TOWN (SHARP CO.)		JUNE	27, 1975	
050123	AUBREY, TOWN OF (LEE CO.)		DECEMBER	06, 1974	
050385	BARLING, CITY OF (SEBASTIAN)		FEBRUARY	14, 1975	
050386	BERRYVILLE, CITY (CARROLL CO)		APRIL	18, 1975	
050386	BETHEL HEIGHTS, TOWN (BENTON CO.)		APRIL	25, 1975	
050390	BLEVINS, CITY (HEMPSTEAD CO.)		APRIL	18, 1975	
050391	BLUFF CITY, TOWN (NEVADA CO.)		JULY	18, 1975	
050392	BONANZA, TOWN (SEBASTIAN CO.)		AUGUST	15, 1975	
050131	BRADFORD, CITY OF (WHITE CO)		FEBRUARY	21, 1975	
050393	BRANCH, CITY (FRANKLIN CO.)		MAY	02, 1975	
050394	BULL SHOALS, CITY (MARION CO.)		APRIL	25, 1975	
050310	CAMMACK, TOWN— (PULASKI CO)		APRIL	18, 1975	
050397	CAULKSVILLE, TOWN (LOGAN CO.)		JUNE	27, 1975	
050313	CAVE CITY, CITY (INDEP.-SHARP COS)		JULY	18, 1975	
050400	CHIDESTER, CITY (OUACHITA CO)		JULY	25, 1975	
050404	DAMASCUS, TOWN (FAULKNER & VAN BUREN COS.)		APRIL	18, 1975	
050405	DELIGHT, CITY (PIKE CO)		APRIL	18, 1975	
050406	DENNING, TOWN (FRANKLIN CO.)		AUGUST	08, 1975	
050320	DIERKS, CITY OF (HOWARD)		FEBRUARY	14, 1975	
050408	DYER, TOWN (CRAWFORD CO.)		JULY	11, 1975	
050409	EDMONDSON, TOWN (CRITTENDEN CO)		SEPTEMBER	26, 1975	
050214	ELKINS, TOWN OF (WASHINGTON CO.)		DECEMBER	20, 1974	
050410	EMERSON, TOWN (COLUMBIA CO)		APRIL	25, 1975	
050019A	EVERTON, TOWN OF (BOONE CO.)		AUGUST	30, 1974	AND
			APRIL	09, 1976	
050413	FISHER, TOWN (POINSETT CO)		APRIL	11, 1975	
050414	FOUNTAIN HILL, TOWN OF (ASHLEY CO)		FEBRUARY	21, 1975	
050224A	GARNER, TOWN OF (WHITE CO.)		AUGUST	30, 1974	AND
			NOVEMBER	07, 1975	
050324	GENTRY, CITY (BENTON CO)		MAY	02, 1975	
050247	GRIFFITHVILLE, TOWN (WHITE CO)		SEPTEMBER	26, 1975	
050248	GUION, TOWN (IZARD CO)		APRIL	11, 1975	
050249	GUM SPRINGS, TOWN (CLARK CO)		JUNE	27, 1975	
050330	HARDY, TOWN (SHARP CO)		APRIL	25, 1975	
050250	HARRELL, TOWN (CALHOUN CO)		APRIL	18, 1975	
050234A	HAVANA, CITY OF (YELL CO.)		AUGUST	23, 1974	
050254	HECTOR, TOWN (POPE CO)		APRIL	25, 1975	
050225A	HIGGINSON, TOWN OF (WHITE CO.)		AUGUST	16, 1974	AND
			JANUARY	09, 1976	
050334A	HUNTINGTON, TOWN (SEBASTIAN CO)		SEPTEMBER	19, 1975	
050120A	IMBODEN, TOWN (LAWRENCE CO)		MAY	03, 1974	AND
			OCTOBER	10, 1975	

* UNINCORPORATED AREAS ONLY

ARKANSAS

COMMUNITY NUMBER	NAME		HAZARD AREA IDENTIFIED		
050336	JUNCTION CITY, CITY	[UNION CO]	APRIL	18, 1975	
050260	KNOXVILLE, TOWN OF	(JOHNSON CO)	FEBRUARY	21, 1975	
050261	LEOLA, TOWN OF	(GRANT CO)	FEBRUARY	21, 1975	
050338	LINCOLN, CITY	[WASHINGTON CO]	JULY	18, 1975	
050339	LOCKESBURG, TOWN	[SEVIER CO]	APRIL	18, 1975	
050347	MARSHALL, CITY	[SEARCY CO]	APRIL	25, 1975	
050343	MCNEIL, CITY	[COLUMBIA CO]	MAY	02, 1975	
050348	MELBOURNE, CITY	[IZARD CO]	APRIL	11, 1975	
050266	MENIFEE, TOWN	[CONWAY CO]	APRIL	25, 1975	
050309	MITCHELLVILLE, TOWN OF	[DESHA CO.]	NOVEMBER	08, 1974	
050095	MOUNT PLEASANT, TOWN OF	[IZARD CO.]	NOVEMBER	22, 1974	
050352	MOUNTAIN VIEW, CITY	[STONE CO]	JUNE	27, 1975	
050351A	MOUNTAINBURG, TOWN OF	[CRAWFORD CO.]	MAY	03, 1974	AND
			NOVEMBER	28, 1975	
050268	NORVELL, TOWN	[CRITTENDEN CO]	AUGUST	15, 1975	
050269	OAK GROVE, TOWN OF	(CARROLL CO)	FEBRUARY	21, 1975	
050270	OGDEN, TOWN	[LITTLE RIVER CO]	SEPTEMBER	19, 1975	
050272	OKOLONA, TOWN	[CLARK CO]	JULY	11, 1975	
050273	OXFORD, TOWN	[IZARD CO]	APRIL	25, 1975	
050271	PIKEAN, TOWN	[RANDOLPH CO]	APRIL	18, 1975	
050300	PANGBURN, CITY	[WHITE CO]	APRIL	18, 1975	
050307A	PARKDALE, CITY OF	[ASHLEY CO.]	MARCH	29, 1974	AND
			OCTOBER	31, 1975	
050303	PLAINVIEW, CITY	[YELL CO]	APRIL	18, 1975	
050304	PLUMERVILLE, CITY	[CONWAY CO]	JUNE	27, 1975	
050279	PRATTSVILLE, TOWN	[GRANT CO]	APRIL	25, 1975	
050340A	RISON, CITY OF	[CLEVELAND CO.]	MARCH	08, 1974	AND
			OCTOBER	10, 1975	
050264	RUSSELL, TOWN	[WHITE CO]	APRIL	11, 1975	
050266	SCRANTON, TOWN	[LOGAN CO]	APRIL	18, 1975	
050309	STEPHENS, CITY	[OUACHITA CO]	JUNE	27, 1975	
050290	SULPHUR ROCK, TOWN	[INDEPENDENCE CO]	APRIL	25, 1975	
050292	THORNTON, TOWN	[CALHOUN CO]	JULY	25, 1975	
050343A	WALDO, CITY OF	[COLUMBIA CO.]	APRIL	05, 1974	AND
			OCTOBER	17, 1975	
050374	WHEATLEY, TOWN	[ST. FRANCIS CO]	SEPTEMBER	19, 1975	
050298	WICKES, TOWN	[POLK CO]	JUNE	27, 1975	
050299	WILTON, TOWN	[LITTLE RIVER CO]	APRIL	11, 1975	
050077A	WINCHESTER, TOWN OF	[LOREN CO.]	AUGUST	30, 1974	AND
			OCTOBER	10, 1975	
050301	WINTHROP, TOWN	[LITTLE RIVER CO]	SEPTEMBER	19, 1975	

TOTAL IN THE STATE 80

• UNINCORPORATED AREAS ONLY

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
	CALIFORNIA	
060271	BARSTOW, CITY [SAN BERNARDINO CO.]	JANUARY 17, 1975
060017	BUTTE COUNTY •	SEPTEMBER 06, 1974
060196A	CARMEL BY-THE-SEA, CITY OF [MONTEREY CO.]	JUNE 14, 1974
060249	COACHELLA, CITY OF [RIVERSIDE CO.]	MAY 17, 1974
060110A	COMMERCE, CITY OF [LOS ANGELES CO.]	JUNE 28, 1974
060040	EL DORADO COUNTY •	AUGUST 02, 1974
060445A	FERNDALE, CITY [HUMBOLDT CO.]	DECEMBER 20, 1974 AND MARCH 26, 1976
060255A	INDIO, CITY OF [RIVERSIDE CO.]	MAY 31, 1974 AND AUGUST 08, 1975
060056A	SELMA, CITY OF [FRESNO CO.]	MAY 24, 1974
	TOTAL IN THE STATE	9

• UNINCORPORATED AREAS ONLY

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED		
	COLORADO			
080229	AGUILAR, TOWN OF (LAS ANIMAS CO.)	JULY	11, 1975	
080303	BENNETT, TOWN OF (ADAMS CO.)	NOVEMBER	22, 1974	
080148A	BOONE, TOWN OF (PUEBLO CO.)	SEPTEMBER	06, 1974	AND
		JANUARY	09, 1976	
080210	COAL CREEK, TOWN (FREMONT CO)	AUGUST	15, 1975	
080111	CROOK, TOWN OF (LOGAN CO.)	NOVEMBER	08, 1974	
080120A	DINOSAUR, TOWN OF (MOFFAT CO.)	AUGUST	30, 1974	
080047A	DOVE CREEK, TOWN OF (DOLORES CO.)	MAY	24, 1974	AND
		NOVEMBER	28, 1975	
080056A	ELIZABETH, TOWN OF (ELBERT CO.)	SEPTEMBER	06, 1974	AND
		FEBRUARY	06, 1976	
080242	EMPIRE, TOWN OF (CLEAR CREEK CO.)	MAY	02, 1975	
080241	FIRESTONE TOWN (WELD CO)	SEPTEMBER	19, 1975	
080242	FLAGER TOWN (KIT CARSON CO)	SEPTEMBER	19, 1975	
080112	FLEMING, TOWN OF (LOGAN CO.)	NOVEMBER	08, 1974	
080073A	FRASER, TOWN OF (GRAND CO.)	SEPTEMBER	06, 1974	
080244	FREDERICK TOWN (WELD CO)	SEPTEMBER	26, 1975	
080117A	GRAND JUNCTION, CITY OF (MESA CO.)	FEBRUARY	01, 1974	AND
		JUNE	28, 1974	
080214A	GRAND LAKE TOWN (GRAND CO)	AUGUST	15, 1975	AND
		SEPTEMBER	17, 1976	
080074A	HOT SULPHUR SPRINGS, TOWN OF (GRAND CO.)	NOVEMBER	22, 1974	
080044A	HOTCHKISS, TOWN OF (DELTA CO.)	JUNE	21, 1974	AND
		SEPTEMBER	17, 1976	
080208A	IGNACIO, TOWN (LA PLATA CO)	MARCH	22, 1974	
080207	ILIFF, TOWN OF (LOGAN CO.)	DECEMBER	27, 1974	
080057A	KIOWA, TOWN OF (ELBERT CO.)	SEPTEMBER	06, 1974	AND
		FEBRUARY	27, 1976	
080033	KIT CARSON, TOWN OF (CHEYENNE CO.)	DECEMBER	13, 1974	
080096A	LEADVILLE, CITY OF (LAKE CO.)	MAY	17, 1974	
080253A	MANASSA TOWN (CONEJOS CO)	AUGUST	08, 1975	AND
		JULY	16, 1976	
080255	NEDERLAND TOWN (BOULDER CO)	AUGUST	22, 1975	
080256	NEW CASTLE TOWN (GARFIELD CO)	JULY	25, 1975	
080257A	NEW TOWN OF DILLON (SUMMIT CO.)	AUGUST	08, 1975	AND
		AUGUST	13, 1976	
080127A	NUCLA, TOWN OF (MONTROSE CO.)	MAY	24, 1974	AND
		MARCH	26, 1976	
080170A	OTIS, TOWN OF (WASHINGTON CO.)	MAY	24, 1974	AND
		OCTOBER	31, 1975	
080170	OVID, TOWN OF (SEDGWICK CO.)	NOVEMBER	15, 1974	
080077A	PUEBLO, CITY OF (PUEBLO CO.)	AUGUST	24, 1973	
080200	REDCLIFF TOWN (EAGLE CO)	SEPTEMBER	19, 1975	
080078A	RIFLE, CITY OF (GARFIELD CO.)	JUNE	15, 1973	
080221	ROCKVALE TOWN (FREMONT CO)	JUNE	27, 1975	
080150	RYE, TOWN (PUEBLO CO)	JULY	18, 1975	
080223	SILT TOWN (GARFIELD CO)	JULY	25, 1975	
080200	SILVER PLUME, TOWN OF (CLEAR CREEK CO.)	DECEMBER	13, 1974	
080058	SIMLA, TOWN OF (ELBERT CO.)	SEPTEMBER	13, 1974	

• UNINCORPORATED AREAS ONLY

COMMUNITY NUMBER	NAME	COLORADO	HAZARD AREA IDENTIFIED
080106A	STARKVILLE, TOWN OF [LAS ANIMAS CO.]		SEPTEMBER 06, 1974 AND JANUARY 23, 1976
080244	SUGAR CITY TOWN	[CROWLEY CO]	AUGUST 15, 1975
080226	VICTOR CITY	[TELLER CO]	MAY 02, 1975
080106A	YAMPA, TOWN OF [ROUTT CO.]		MAY 24, 1974 AND JANUARY 02, 1976

TOTAL IN THE STATE 42

• UNINCORPORATED AREAS ONLY

CONNECTICUT

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
390156	SALEM, TOWN OF (NEW LONDON CO)	FEBRUARY 21, 1975
390162	SCOTLAND, TOWN OF (WINDHAM CO.)	JANUARY 31, 1975
	TOTAL IN THE STATE	2

• UNINCORPORATED AREAS ONLY

DELAWARE

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
100013A	KENTON, TOWN OF (KENT CO.)	SEPTEMBER 13, 1974
100014A	LEIPSIC, TOWN OF (KENT CO.)	AUGUST 09, 1974 AND JANUARY 09, 1976
100044A	MILLVILLE, TOWN OF (SUSSEX CO.)	OCTOBER 18, 1974 AND DECEMBER 12, 1975
100036	ODESSA, TOWN OF (NEW CASTLE CO.)	JANUARY 31, 1975

TOTAL IN THE STATE 4

UNINCORPORATED AREAS ONLY

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
	FLORIDA	
120323	BITHLO, TOWN OF (ORANGE CO.)	DECEMBER 13, 1974
120324	BRISTOL, TOWN OF (LIBERTY CO.)	DECEMBER 13, 1974
120016A	BROOKER, TOWN OF (BRADFORD CO.)	AUGUST 30, 1974
120086	BUNNELL, TOWN OF (FLAGLER CO.)	JULY 11, 1975
120120A	CAMPBELLTON, CITY OF (JACKSON CO.)	SEPTEMBER 06, 1974, AND JANUARY 30, 1976
120390	LAKE WALES, CITY OF (POLK CO.)	OCTOBER 17, 1975
120209	NORTH DAVENPORT, CITY OF (POLK CO.)	JUNE 28, 1974
120130A	SNEADS, TOWN OF (JACKSON CO.)	AUGUST 02, 1974, AND MAY 21, 1976
	TOTAL IN THE STATE	8

• UNINCORPORATED AREAS ONLY

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
	GEORGIA	
130295A	ADAIRSVILLE, TOWN OF (BARTOW CO.)	JUNE 14, 1974 AND
		JANUARY 23, 1976
130360	AILEY, TOWN (MONTGOMERY CO.)	APRIL 04, 1975
130358	ALVATON, TOWN (MERIWEATHER CO.)	APRIL 04, 1975
130270A	BAKER COUNTY •	MARCH 28, 1975 AND
		DECEMBER 26, 1975
130205A	BALDWIN, TOWN OF (BANKS CO.)	JUNE 28, 1974 AND
		JANUARY 23, 1976
130443	BALL GROUND, CITY (CHEROKEE CO.)	APRIL 04, 1975
130115	BARTOW, CITY (JEFFERSON CO.)	AUGUST 22, 1975
130309A	BELLVILLE, CITY (EVANS CO.)	JULY 18, 1975
130272	BETHLEHEM, TOWN (BARROW COUNTY)	JULY 11, 1975
130402	BOSTON, CITY (THOMAS CO.)	APRIL 18, 1975
130302	BOSTWICK, TOWN (MORGAN CO.)	APRIL 04, 1975
130428	BOWMAN, CITY (ELBERT CO.)	APRIL 04, 1975
130343	BRASELTON, CITY OF (JACKSON CO.)	APRIL 18, 1975
130208	BRINSON, TOWN (COLQUITT CO.)	JULY 18, 1975
130304	BUCKHEAD, TOWN (MORGAN CO.)	JULY 11, 1975
130323	BUFORD, CITY (GWINNETT + HALL COS.)	APRIL 04, 1975
130273	CARL, TOWN (BARROW COUNTY)	APRIL 11, 1975
130435	CHALYBEATE SPRINGS, TOWN (MERIWEATHER CO.)	APRIL 18, 1975
130352	CLERMONT, TOWN (HALL CO.)	APRIL 11, 1975
130418	CLEVELAND, CITY (WHITE CO.)	APRIL 11, 1975
130370	COBBTOWN, CITY (TATTNALL CO.)	APRIL 11, 1975
130279A	COCHRAN, CITY (BLECKLEY CO.)	APRIL 04, 1975 AND
		SEPTEMBER 03, 1976
130140A	CRAWFORD, CITY OF (OGLETHORPE CO.)	JUNE 07, 1974 AND
		JANUARY 23, 1976
130324	DACULA, TOWN (GWINNETT CO.)	APRIL 18, 1975
130149A	DAHLONEGA, CITY OF (LUMPKIN CO.)	JUNE 28, 1974 AND
		JANUARY 23, 1976
130304	DAWSONVILLE, CITY (DAWSON CO.)	JANUARY 17, 1975
130300	DEARING, TOWN (MCDUFFIE CO.)	APRIL 04, 1975
130350	DEMOREST, TOWN (HABERSHAM CO.)	APRIL 04, 1975
130215	DENTON, CITY OF (JEFF DAVIS CO.)	DECEMBER 13, 1974
130305	DOUGLASVILLE, CITY (DOUGLAS CO.)	APRIL 25, 1975
130349	FORSYTH, CITY (MONROE CO.)	APRIL 11, 1975
130313	FRANKLIN SPRINGS, CITY (FRANKLIN CO.)	APRIL 04, 1975
130023A	GIRARD, TOWN OF (BURKE CO.)	SEPTEMBER 06, 1974 AND
		JANUARY 23, 1976
130419	GLENNWOOD, CITY (WHEELER CO.)	APRIL 04, 1975
130325	GRAYSON, TOWN (GWINNETT CO.)	JULY 11, 1975
130220	GREENSBORO, CITY OF (GREENE CO.)	DECEMBER 20, 1974
130311A	HAGAN, CITY (EVANS CO.)	APRIL 18, 1975 AND
		JANUARY 23, 1976
130107A	HAMPTON, CITY OF (HENRY CO.)	JUNE 28, 1974
130299	HARALSON, TOWN (COBB CO.) + (MERIWEATHER COS.)	APRIL 18, 1975
130192A	HELEN, CITY OF (WHITE CO.)	SEPTEMBER 06, 1974 AND
		OCTOBER 17, 1975

* UNINCORPORATED AREAS ONLY

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED		
	GEORGIA			
130305	HILLTONIA, TOWN (SCREVEN CO.)	APRIL	11, 1975	
130221A	HIRAM, CITY OF (PAULDING CO.)	OCTOBER	18, 1974	AND
		JANUARY	23, 1976	
130291	HOMELAND, TOWN (CHARLTON CO.)	APRIL	11, 1975	
130271	HOMER, TOWN (BANKS COUNTY)	APRIL	18, 1975	
130344	HOSCHTON, TOWN (JACKSON COUNTY)	APRIL	11, 1975	
130375	JASPER, CITY (PICKENS CO.)	APRIL	11, 1975	
130043A	JONESBORO, CITY OF (CLAYTON CO.)	MAY	24, 1974	AND
		MARCH	05, 1976	
130277	KINGSTON, CITY (BARTOW CO)	APRIL	18, 1975	
130409	LINDOOD, TOWN (WALKER CO.)	APRIL	04, 1975	
130320	LOGANVILLE, CITY (GWINNETT + WALTON COS.)	APRIL	04, 1975	
130441	LOUISVILLE, CITY (JEFFERSON CO.)	AUGUST	15, 1975	
130148A	LUDOWICI, CITY OF (LONG CO.)	JUNE	14, 1974	AND
		JANUARY	23, 1976	
130224	MADISON, CITY OF (MORGAN CO)	FEBRUARY	21, 1975	
130372A	MARTIN, TOWN (STEPHENS CO)	APRIL	04, 1975	AND
		MAY	28, 1976	
130342	MCDONOUGH, CITY (HENRY CO.)	APRIL	11, 1975	
130421	MCINTYRE, TOWN (WILKINSON CO.)	APRIL	11, 1975	
130295	MENLO, TOWN (CHATTOOGA CO.)	APRIL	18, 1975	
130024	MIDVILLE, CITY (BURKE CO)	JULY	11, 1975	
130376	MOLENA, CITY (PIKE CO.)	APRIL	11, 1975	
130300	MORELAND, TOWN (COWETA COUNTY)	APRIL	18, 1975	
130252	MOUNTAIN CITY, TOWN (RABUN CO.)	JANUARY	17, 1975	
130046A	MOUNTAIN VIEW, CITY OF (CLAYTON CO.)	MAY	10, 1974	
130353	NAYLOR, TOWN (LOWNDES CO.)	APRIL	25, 1975	
130270	NELSON, CITY (CHEROKEE + PICKENS CO.)	APRIL	11, 1975	
130101A	NEWINGTON, TOWN OF (SCREVEN CO.)	SEPTEMBER	06, 1974	
130209	OAK PARK, TOWN (EMANUEL CO.)	JULY	18, 1975	
130187A	ODUM, CITY (WAYNE CO)	JANUARY	03, 1975	AND
		DECEMBER	19, 1975	
130307	OXFORD, TOWN (NEWTON CO.)	APRIL	11, 1975	
130209	PULASKI, TOWN (CANDLER, CO.)	APRIL	04, 1975	
130426	RINCON, TOWN (EFFINGHAM CO.)	APRIL	11, 1975	
130207	RIVERSIDE, TOWN (COLQUITT CO.)	JULY	18, 1975	
130102A	ROCKY FORD, TOWN OF (SCREVEN CO.)	SEPTEMBER	06, 1974	
130303	RUTLEDGE, TOWN (MORGAN CO.)	AUGUST	08, 1975	
130439	SALE CITY, TOWN (MITCHELL CO.)	APRIL	04, 1975	
130106A	SCOTLAND, CITY OF (TELFAIR + WHEELER COS.)	AUGUST	30, 1974	
130301	SENOIA, CITY (COWETA CO.)	APRIL	04, 1975	
130339	SHILOH, CITY (HARRIS CO.)	APRIL	04, 1975	
130308	STILLMORE, TOWN (EMANUEL CO.)	APRIL	11, 1975	
130208A	STONE MOUNTAIN, CITY OF (DEKALB CO.)	MAY	12, 1974	
130309	SUNNY SIDE, VILLAGE (SPALDING COUNTY)	APRIL	11, 1975	
130003	SURRENCY, TOWN (APPLING CO)	JANUARY	03, 1975	
130326	SUWANEE, CITY (GWINNETT CO.)	APRIL	04, 1975	
130300	TALLULAH FALLS, CITY OF (HABERSHAM & RABUN COS.)	APRIL	25, 1975	

* UNINCORPORATED AREAS ONLY

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
	GEORGIA	
130208	TEMPLE, TOWN (CARROLL CO.)	APRIL 11, 1975
130361	TIGER, TOWN (RABUN CO.)	JULY 11, 1975
130422	TOOMSBORO, TOWN (WILKINSON CO.)	APRIL 04, 1975
130301	UVALDA, TOWN (MONTGOMERY CO.)	APRIL 25, 1975
135105A	VERNONBURG, TOWN OF (CHATHAM CO.)	JULY 27, 1973 AND OCTOBER 31, 1975
130110	WADLEY, CITY (JEFFERSON CO.)	AUGUST 22, 1975
130297	WINTERVILLE, CITY (CLARKE CO.)	APRIL 11, 1975
130430	WOODBURY, TOWN (MERIWEATHER CO.)	JUNE 27, 1975
	TOTAL IN THE STATE	91

• UNINCORPORATED AREAS ONLY

COMMUNITY NUMBER	NAME		HAZARD AREA IDENTIFIED		
	IDAHO				
160342	ALBION, TOWN	(CASSIA CO.)	JANUARY	10, 1975	
160128	ARIMO, CITY OF	(BANNOCK CO.)	AUGUST	22, 1975	
160129	BASALT, CITY	(BINGHAM CO.)	AUGUST	08, 1975	
160130	BURL, CITY	(TWIN FALLS CO.)	JUNE	27, 1975	
160015A	CHATCOLET, CITY OF	(BENEWAH CO.)	SEPTEMBER	13, 1974	AND
			FEBRUARY	27, 1976	
160305A	COUNCIL, CITY OF	(ADAMS CO.)	MAY	03, 1974	AND
			DECEMBER	12, 1975	
160137	FRANKLIN, CITY	(FRANKLIN CO.)	SEPTEMBER	05, 1975	
160106	FRUITLAND, CITY	(PAYETTE CO.)	SEPTEMBER	19, 1975	
160004A	GARDEN CITY, CITY OF	(ADA CO.)	DECEMBER	17, 1973	
160139	HAGERMAN, CITY	(GOODING CO.)	MAY	02, 1975	
160173	KIMBERLY, CITY	(TWIN FALLS CO.)	APRIL	25, 1975	
160144	LEWISVILLE, CITY	(JEFFERSON CO.)	AUGUST	08, 1975	
160177	MACKAY CITY	(CUSTER CO.)	MAY	02, 1975	
160197	MALTA, TOWN OF	(CASSIA CO.)	DECEMBER	13, 1974	
160178	MARSING CITY	(OWYHEE CO.)	JUNE	27, 1975	
160203	MOYIE SPRINGS, CITY	(BOUNDARY CO.)	AUGUST	22, 1975	
160345	OAKLEY, TOWN OF	(CASSIA CO.)	OCTOBER	18, 1974	
160148	PARKER, CITY	(FREMONT CO.)	AUGUST	15, 1975	
160105	POTLATCH CITY	(LATAH CO.)	JULY	11, 1975	
160100	PRESTON CITY	(FRANKLIN CO.)	AUGUST	29, 1975	
160152	ROBERTS, CITY	(JEFFERSON CO.)	JANUARY	24, 1975	
160154	SWAN VALLEY CITY	(BONNEVILLE CO.)	AUGUST	29, 1975	
160119A	VICTOR, CITY OF	(TETON CO.)	SEPTEMBER	06, 1974	AND
			DECEMBER	05, 1975	
160195	WENDELL CITY	(GOODING CO.)	JULY	11, 1975	

TOTAL IN THE STATE 24

* *UNINCORPORATED AREAS ONLY

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
	ILLINOIS	
170835	ADELINE, VILLAGE (OGLE CO.)	JULY 11, 1975
170000	ALGION, VILLAGE (EDWARDS CO)	AUGUST 15, 1975
170844	ALVIN, VILLAGE OF (VERMILION CO)	FEBRUARY 21, 1975
170409	ANCHOR, VILLAGE OF (MCLEAN CO.)	DECEMBER 06, 1974
170057A	ANNA, CITY OF (UNION CO.)	MARCH 29, 1974 AND
		APRIL 30, 1976
170741	ASTORIA, TOWN OF (FULTON CO)	JANUARY 31, 1975
170742A	AVON, VILLAGE OF (FULTON CO.)	OCTOBER 18, 1974 AND
		APRIL 16, 1976
170470A	BARDOLPH, VILLAGE OF (MCDONOUGH CO.)	SEPTEMBER 13, 1974
170059	BARTELSO, VILLAGE OF (CLINTON CO)	MARCH 28, 1975
170404A	BATH, VILLAGE OF (MASON CO.)	DECEMBER 17, 1973
170075	BELGIUM, VILLAGE OF (VERMILION CO)	MARCH 28, 1975
170600A	BLUFFS, VILLAGE OF (SCOTT CO.)	JUNE 07, 1974 AND
		JANUARY 30, 1976
170844	BRAIDWOOD, CITY (WILL CO)	APRIL 11, 1975
170400A	BROOKPORT, CITY OF (MASSAC CO.)	JUNE 07, 1974
170220	BROWNS, VILLAGE OF (EDWARDS CO.)	NOVEMBER 15, 1974
170747	BRUSSELS, VILLAGE OF (CALHOUN CO.)	NOVEMBER 22, 1974
170746	BRYANT, VILLAGE OF (FULTON CO.)	DECEMBER 06, 1974
170850	BUREAU JUNCTION, VILLAGE OF (BUREAU CO)	MARCH 28, 1975
170471B	BUSHNELL, CITY OF (MCDONOUGH CO.)	JUNE 07, 1974 AND
		APRIL 02, 1976 AND
		AUGUST 20, 1976
170705A	CAMARGO, VILLAGE OF (DOUGLAS CO.)	APRIL 05, 1974
170250A	CARROLLTON, CITY OF (GREEN CO.)	JUNE 07, 1974 AND
		MARCH 05, 1976
170039A	CASEY, CITY OF (CLARK CO.)	JUNE 28, 1974
170842	CEDARVILLE, VILLAGE (STEPHENSON CO)	APRIL 11, 1975
170859	CLEAR LAKE, VILLAGE OF (SANGAMON CO)	FEBRUARY 21, 1975
170044	CLINTON COUNTY *	DECEMBER 20, 1974
170823	CORNELL, VILLAGE OF (LIVINGSTON CO)	MARCH 21, 1975
170046A	CREVE COEUR, VILLAGE OF (TAZEWELL CO.)	MARCH 01, 1974 AND
		APRIL 30, 1976
170422A	CULLOM, VILLAGE OF (LIVINGSTON CO.)	FEBRUARY 22, 1974
170292A	DANFORTH, VILLAGE OF (IROQUOIS CO.) (IROQUOIS CO.)	FEBRUARY 22, 1974
		SEPTEMBER 13, 1974 AND
		FEBRUARY 06, 1976
170751A	DE SOTO, VILLAGE OF (JACKSON CO.)	APRIL 05, 1974 AND
		APRIL 02, 1976
170047	DEER CREEK, VILLAGE OF (TAZEWELL CO.)	JUNE 28, 1974
170056A	DONGOLA, VILLAGE OF (UNION CO.)	MARCH 08, 1974 AND
		JULY 02, 1976
170875	DONELL, VILLAGE (JACKSON CO)	APRIL 18, 1975
170840	DUBOIS, VILLAGE OF (WASHINGTON CO)	MARCH 28, 1975
170873	EAST BROOKLYN, VILLAGE OF (GRUNDY CO)	MARCH 21, 1975
170402A	EAST GILLESPIE, VILLAGE (MACOUPIN CO)	JULY 19, 1974
170491A	EDWARDSVILLE, CITY OF (MADISON CO.)	APRIL 05, 1974 AND
		JULY 02, 1976

• UNINCORPORATED AREAS ONLY

ILLINOIS

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED		
170251A	ELDRED, VILLAGE OF (GREENE CO.)	DECEMBER 17, 1973 AND JANUARY 16, 1976		
170809A	ELLISVILLE, VILLAGE OF (FULTON CO.)	MARCH	22,	1974
170549	ELMWOOD, VILLAGE OF (HILL CO)	FEBRUARY	21,	1975
170818	FARMER CITY, CITY OF (DE WITT CO)	MARCH	21,	1975
170004	FITHIAN, VILLAGE OF (VERMILLION CO.)	AUGUST	01,	1975
170827	FOREST CITY, VILLAGE OF (MASON CO)	MARCH	28,	1975
170263A	GALVA, CITY OF (HENRY CO.)	JUNE	14,	1974
170349A	GERMANTOWN, VILLAGE OF (CLINTON CO.)	MARCH 29, 1974 AND JULY 30, 1976		
170234A	GIBSON CITY, CITY OF (FORD CO.)	MARCH 29, 1974 AND JANUARY 30, 1976		
170320A	GILBERTS, VILLAGE OF (KANE CO.)	SEPTEMBER 06, 1974 AND MAY 07, 1976		
170805	GOLDEN GATE, VILLAGE (WAYNE CO)	JUNE	27,	1975
170302A	GOLDEN, VILLAGE OF (ADAMS CO.)	JUNE	07,	1974
170252A	GREENFIELD, CITY OF (GREEN CO.)	FEBRUARY 22, 1974 AND JULY 16, 1976		
170802	GREENUP, VILLAGE OF (CUMBERLAND CO)	MARCH	28,	1975
170548A	HAMMOND, VILLAGE OF (PIATT CO.)	JUNE 14, 1974 AND APRIL 09, 1976		
170207A	HANCOCK COUNTY	JANUARY 24, 1975 AND FEBRUARY 20, 1976		
170405A	HAVANA, CITY OF (MASON CO.)	APRIL 05, 1974 AND JANUARY 30, 1976		
170000	HENNING, VILLAGE (VERMILLION CO)	AUGUST	29,	1975
170497A	HEYWORTH, VILLAGE OF (MCLEAN CO.)	JUNE	14,	1974
170253A	HILLVIEW, VILLAGE OF (GREENE CO.)	DECEMBER 06, 1974 AND JULY 30, 1976		
170104A	HINCKLEY, VILLAGE OF (DEKALB CO.)	MARCH 01, 1974 AND JUNE 04, 1976		
170852	HOLLOWAYVILLE, VILLAGE OF (BUREAU CO)	MARCH	28,	1975
170309	INDIAN CREEK, VILLAGE OF (LAKE CO.)	AUGUST	23,	1974
170315A	JERSEYVILLE, CITY OF (JERSEY CO.)	JUNE 07, 1974 AND JUNE 04, 1976		
170757A	JOPPA, VILLAGE OF (MASSAC CO.)	NOVEMBER 23, 1973 AND APRIL 23, 1976		
170826	JUNCTION CITY, VILLAGE OF (MARION CO)	MARCH	21,	1975
170800	KEYESPORT, VILLAGE OF (CLINTON CO)	MARCH	21,	1975
170837	KINDERHOOK, VILLAGE OF (PIKE CO)	MARCH	21,	1975
170700	LA PRAIRIE, TOWN OF (ADAMS CO.)	APRIL	25,	1975
170457A	LACON, CITY OF (MARSHALL CO.)	NOVEMBER 30, 1973 AND FEBRUARY 20, 1976		
170373A	LAKE BLUFF (VILLAGE OF (LAKE CO.)	FEBRUARY 01, 1974 AND FEBRUARY 06, 1976		
170458	LAROSE, VILLAGE OF (MARSHALL CO.)	OCTOBER	25,	1974
170500A	LEXINGTON, CITY OF (MCLEAN CO.)	JUNE	28,	1974
170116A	LINCOLNWOOD, VILLAGE OF (COOK CO.)	JUNE	21,	1974
170342	LISBON, VILLAGE OF (KENDALL CO.)	NOVEMBER	01,	1974

• UNINCORPORATED AREAS ONLY

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED		
	ILLINOIS			
170804	LITTLE YORK, VILLAGE OF (WARREN CO)	APRIL	11, 1975	
170799A	LIVINGSTON, VILLAGE OF (MADISON CO.)	MARCH	22, 1974	AND
		JUNE	11, 1976	
170301A	MAKANDA, VILLAGE OF (JACKSON CO.)	AUGUST	23, 1974	AND
		DECEMBER	26, 1975	
170187A	MALTA, VILLAGE OF (DEKALB CO.)	JUNE	07, 1974	
170549	MANSFIELD, VILLAGE (PIATT CO)	JANUARY	03, 1975	
170836	MAPLETON, VILLAGE OF (PEORIA CO)	MARCH	28, 1975	
170351	MARDON, VILLAGE OF (KNOX CO.)	NOVEMBER	15, 1974	
170704	MARIETTA, VILLAGE OF (MARIETTA CO)	JANUARY	31, 1975	
170650A	MARQUETTE HEIGHTS, CITY OF (TAZEWELL CO.)	MARCH	08, 1974	AND
		MARCH	26, 1976	
170341A	MARTINSVILLE, CITY OF (CLARK CO.)	NOVEMBER	23, 1973	AND
		MARCH	26, 1976	
170403	MASON COUNTY •	JANUARY	31, 1975	
170833	MATHERVILLE, VILLAGE OF (MERCER CO)	MARCH	28, 1975	
170664	MAUNIE, VILLAGE OF (WHITE CO.)	JANUARY	09, 1974	
170361A	METTAWA, VILLAGE OF (CLAKE CO.)	OCTOBER	18, 1974	AND
		JULY	23, 1976	
170860	MIDDLETOWN, VILLAGE OF (LOGAN CO)	MARCH	28, 1975	
170605A	MILL SHOALS, VILLAGE OF (WHITE CO.)	JULY	19, 1974	AND
		JULY	02, 1976	
170250A	MONTROSE, VILLAGE OF (EFFINGHAM CO.)	AUGUST	23, 1974	
170304A	MASON, CITY OF (JEFFERSON CO.)	AUGUST	16, 1974	
170767	NAUVOO, CITY (HANCOCK CO)	OCTOBER	10, 1975	
170853	NEW BEDFORD, VILLAGE (BUREAU CO.)	JUNE	27, 1975	
170555A	NEW CANTON, TOWN OF (PIKE CO.)	AUGUST	16, 1974	
170347	NEW MINDEN, VILLAGE (WASHINGTON CO)	JUNE	27, 1975	
170709	NEWMAN, VILLAGE OF (DOUGLAS CO.)	NOVEMBER	29, 1974	
170303A	NEWTON, CITY OF (JASPER CO.)	DECEMBER	17, 1973	AND
		MAY	28, 1976	
170430A	NIANTIC, VILLAGE OF (MACON CO.)	MARCH	01, 1974	
170770A	NORRIS, VILLAGE OF (FULTON CO.)	DECEMBER	06, 1974	
170822A	NORTH UTICA, VILLAGE OF (LA SALLE CO)	MARCH	21, 1975	AND
		JANUARY	23, 1976	
170852	OAKFORD, VILLAGE OF (MENARD CO)	MARCH	21, 1975	
170851	OAKWOOD HILLS, VILLAGE (MCHENRY CO.)	APRIL	18, 1975	
170352A	ONEIDA, CITY OF (KNOX CO.)	JUNE	07, 1974	
170641A	ORANGEVILLE, VILLAGE OF (STEPHENSON CO.)	AUGUST	16, 1974	AND
		MARCH	26, 1976	
170871	ORIENT, VILLAGE (FRANKLIN CO)	APRIL	04, 1975	
170797A	PECATONICA, VILLAGE OF (WINNEBAGO CO.)	APRIL	05, 1974	AND
		APRIL	02, 1976	
170538	PERRY COUNTY •	DECEMBER	13, 1974	
170542	PIATT COUNTY •	JANUARY	31, 1975	
170272A	PONTOOSUC, VILLAGE OF (HANCOCK CO.)	JANUARY	16, 1974	AND
		MAY	28, 1976	
170624	REDDICK, VILLAGE (LIVINGSTON CO.)	APRIL	18, 1975	
170863	REYNOLDS, VILLAGE (ROCK ISLAND CO)	APRIL	18, 1975	

• UNINCORPORATED AREAS ONLY

ILLINOIS

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED		
170[illegible]A	RIDOTT, VILLAGE OF (STEPHENSON CO.)	DECEMBER	17, 1973	
170[illegible]3A	RIVERTON, VILLAGE OF (SANGMON CO.)	NOVEMBER	16, 1973	AND
		MARCH	05, 1976	
170[illegible]07	ROYALTON, VILLAGE OF (FRANKLIN CO)	MARCH	21, 1975	
170[illegible]05	SADORUS, VILLAGE OF (CHAMPAIGN CO)	MARCH	21, 1975	
170[illegible]05A	SCHUYLER COUNTY	JANUARY	03, 1975	AND
		JULY	02, 1976	
170[illegible]95A	SILVIS, CITY OF (ROCK ISLAND CO.)	MAY	31, 1974	AND
		MAY	21, 1976	
170[illegible]70	SOMONAUK, VILLAGE (DeKALB CO)	JANUARY	24, 1975	
170[illegible]17A	SOUTH JACKSONVILLE, CITY OF (MORGAN CO.)	MARCH	29, 1974	AND
		JUNE	04, 1976	
170[illegible]74	SOUTH WILMINGTON, VILLAGE OF (GRUNDY CO)	MARCH	21, 1975	
170[illegible]59A	SPARLAND, VILLAGE OF (MARSHALL CO.)	NOVEMBER	23, 1973	AND
		MARCH	05, 1976	
170[illegible]07	SPRING BAY, VILLAGE OF (WOODFORD CO)	MARCH	28, 1975	
170[illegible]00	SPRINGERTON, VILLAGE OF (WHITE CO.)	DECEMBER	06, 1974	
170[illegible]0A	STONEFORT, VILLAGE OF (SALINE CO.)	AUGUST	30, 1974	AND
		JUNE	18, 1976	
170[illegible]75	ST. DAVID, VILLAGE OF (FULTON CO.)	DECEMBER	06, 1974	
170[illegible]01A	ST. FRANCISVILLE, VILLAGE OF (LAWRENCE CO.)	MARCH	29, 1974	
170[illegible]20	ST. MARIE, VILLAGE OF (JASPER CO)	MARCH	21, 1975	
170[illegible]05A	TAMMS, VILLAGE OF (ALEXANDER CO.)	MAY	10, 1974	AND
		JUNE	11, 1976	
170[illegible]76	THOMSON, VIL (CARROLL CO)	OCTOBER	17, 1975	
170[illegible]20	TOPEKA, TOWN OF (MASON CO)	MARCH	21, 1975	
170[illegible]09	URBAIN, VILLAGE OF (FRANKLIN CO)	MARCH	21, 1975	
170[illegible]59A	VALLEY CITY, VILLAGE OF (PIKE CO.)	DECEMBER	17, 1973	AND
		MARCH	19, 1976	
170[illegible]01A	VERMONT, VILLAGE OF (FULTON CO.)	NOVEMBER	29, 1974	
170[illegible]10A	WALTONVILLE, VILLAGE OF (JEFFERSON CO.)	AUGUST	23, 1974	AND
		MARCH	19, 1976	
170[illegible]55A	WAMAC, CITY OF (WASHINGTON, MARION & CLINTON COS.)	JUNE	28, 1974	
170[illegible]04	WATERMAN, VILLAGE OF (DE KALB CO)	MARCH	21, 1975	
170[illegible]05	WAYNE, VILLAGE (DUPAGE CO)	AUGUST	15, 1975	
170[illegible]54A	WHITE HALL, CITY OF (GREENE CO.)	APRIL	05, 1974	AND
		JUNE	04, 1976	
170[illegible]21	YALE, VILLAGE OF (JASPER CO)	MARCH	21, 1975	
170[illegible]50A	YATES CITY, VILLAGE OF (KNOX CO.)	JUNE	14, 1974	AND
		JANUARY	30, 1976	

TOTAL IN THE STATE 139

* UNINCORPORATED AREAS ONLY

INDIANA

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
180012A	ADVANCE, TOWN OF [BOONE CO.]	SEPTEMBER 20, 1974
180031A	ALTON, TOWN OF [CRAWFORD CO.]	JANUARY 23, 1974 AND JULY 02, 1976
180303	AMBOY, TOWN OF [MIAMI CO.]	NOVEMBER 29, 1974
180397A	ANDREWS, TOWN OF [HUNTINGTON CO.]	JUNE 07, 1974
180315A	ARCADIA, TOWN OF [HAMILTON CO.]	FEBRUARY 01, 1974
180371	ATLANTA, TOWN (HAMILTON CO.)	JULY 11, 1975
180233A	AUSTIN, CITY OF [SCOTT CO.]	NOVEMBER 23, 1973 AND MARCH 19, 1976
180316A	BLOOMFIELD, TOWN OF [GREENE CO.]	NOVEMBER 23, 1973
180273A	BOONVILLE, CITY OF [WARRICK CO.]	DECEMBER 28, 1973 AND MAY 28, 1976
180307A	BROWNSBURG, TOWN OF [HENDRICKS CO.]	NOVEMBER 23, 1973 AND JUNE 18, 1976
180316A	BURLINGTON, TOWN OF [CARROLL CO.]	NOVEMBER 23, 1973 AND JUNE 11, 1976
180258A	CAYUGA, TOWN OF [VERMILLION CO.]	MAY 31, 1974 AND MAY 21, 1976
180107A	CONVERSE, TOWN OF [MIAMI CO.]	MAY 17, 1974
180344	DEKALB COUNTY *	DECEMBER 06, 1974
180354	DUBOIS COUNTY *	DECEMBER 13, 1974
180105	DUPONT, TOWN OF [JEFFERSON CO.]	NOVEMBER 29, 1974
180201A	FAIRVIEW PARK, TOWN OF [VERMILLION CO.]	SEPTEMBER 20, 1974 AND JUNE 11, 1976
180370	FARMLAND, TOWN OF (RANDOLPH CO)	FEBRUARY 21, 1975
180372A	FORTVILLE, TOWN (HANCOCK CO.)	JULY 11, 1975
180262A	FOUNTAIN CITY, CITY OF [WAY	MAY 10, 1974 AND APRIL 16, 1976
180309	FOWLERTON, TOWN OF (GRANT CO)	FEBRUARY 21, 1975
180300	FRANCISCO, TOWN OF (GIBSON CO)	MARCH 21, 1975
180137A	FRENCH LICK, TOWN OF [ORANGE CO.]	FEBRUARY 01, 1974
180300A	GASTON, TOWN OF (DELAWARE CO)	FEBRUARY 21, 1975 AND OCTOBER 24, 1975
180325A	GOSPORT, TOWN OF [OWEN CO.]	NOVEMBER 23, 1973
180370	GREENSBORO, TOWN OF (HENRY CO)	MARCH 21, 1975
180309	GREENVILLE, TOWN OF (FLOYD CO)	MARCH 21, 1975
180300	HAMILTON COUNTY *	DECEMBER 13, 1974
180327A	HAZLETON, TOWN OF [GIBSON CO.]	NOVEMBER 23, 1973 AND SEPTEMBER 24, 1976
180226A	INDIAN VILLAGE, TOWN OF [ST. JOSEPH CO.]	OCTOBER 18, 1974
180108	JENNINGS COUNTY *	DECEMBER 13, 1974
180193A	JUDSON, TOWN OF [PARKE CO.]	DECEMBER 17, 1973 AND JUNE 11, 1976
180377	KENNARD, TOWN OF (HENRY CO)	MARCH 21, 1975
180090A	KNIGHTSTOWN, TOWN OF [HENRY CO.]	NOVEMBER 30, 1973 AND DECEMBER 26, 1975
180172A	LADOGA, TOWN OF [MONTGOMERY CO.]	MAY 24, 1974 AND

• UNINCORPORATED AREAS ONLY

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
	INDIANA	
180035A	LEAVENWORTH, TOWN OF (CRAWFORD CO.)	DECEMBER 26, 1975
180071A	LEWISVILLE, TOWN OF (HENRY CO.)	NOVEMBER 30, 1973
		SEPTEMBER 20, 1974 AND
		JUNE 25, 1976
180398	LITTLE YORK, TOWN OF (WASHINGTON CO)	MARCH 21, 1975
180278A	LIVONIA, TOWN OF (WASHINGTON CO.)	OCTOBER 18, 1974 AND
		JUNE 11, 1976
180307	MACY, TOWN OF (MIAMI CO.)	DECEMBER 06, 1974
180350A	MECCA, TOWN OF (PARKE CO.)	JANUARY 23, 1974 AND
		JUNE 18, 1976
180302	MILFORD, TOWN OF (KOSCIUSKO CO)	MARCH 21, 1975
180303	MILLERSBURG, TOWN (ELKHART CO.)	JULY 11, 1975
180210	MONTPELIER, TOWN OF (BLACKFORD CO.)	DECEMBER 07, 1973
180178	MORGAN COUNTY •	DECEMBER 20, 1974
180336A	NEW PALESTINE, TOWN OF (HANCOCK CO.)	NOVEMBER 30, 1973
180337A	NEWBERRY, TOWN OF (GREENE CO.)	FEBRUARY 01, 1974
180202A	NEWPORT, TOWN OF (VERMILLION CO.)	MAY 31, 1974 AND
		MAY 21, 1976
180374	NORTH SALEM, TOWN OF (HENDRICKS CO)	FEBRUARY 21, 1975
180072A	OAKLAND CITY, CITY OF (GIBSON CO.)	MAY 10, 1974 AND
		JUNE 11, 1976
180206A	OGDEN DUNES, TOWN OF (PORTER CO.)	MAY 31, 1974
180290A	ORLAND, TOWN OF (STEUBEN CO.)	MAY 31, 1974 AND
		APRIL 09, 1976
180168A	ORLEANS, TOWN OF (ORANGE CO.)	MAY 31, 1974 AND
		APRIL 09, 1976
180229A	OSCEOLA, TOWN OF (ST. JOSEPH CO.)	DECEMBER 17, 1973 AND
		DECEMBER 05, 1975
180169A	PAOLI, TOWN OF (ORANGE CO.)	NOVEMBER 23, 1973 AND
		OCTOBER 31, 1975
180348	PARAGON, TOWN OF (MORGAN CO.)	FEBRUARY 01, 1974
180192	PARKE COUNTY •	DECEMBER 20, 1974
180349A	PATOKA, TOWN (GIBSON CO.)	NOVEMBER 23, 1973 AND
		JULY 23, 1976
180375A	PERRYSVILLE, TOWN (VERMILLION CO.)	NOVEMBER 23, 1973 AND
		JUNE 11, 1976
180308	PINES, TOWN OF (PORTER CO)	MARCH 21, 1975
180213	PUTNAM COUNTY	JANUARY 03, 1975
180372A	RILEY, TOWN OF (VIGO CO.)	FEBRUARY 01, 1974
180096A	ROANOKE, TOWN OF (HUNTINGTON CO.)	DECEMBER 28, 1973 AND
		JULY 23, 1976
180071A	ROCHESTER, CITY OF (FULTON CO.)	FEBRUARY 15, 1974 AND
		APRIL 09, 1976
180343A	ROSEDALE, TOWN OF (PARKE CO.)	NOVEMBER 30, 1973 AND
		AUGUST 08, 1975
180216A	RUSSELLVILLE, TOWN OF (PUTNAM CO.)	SEPTEMBER 20, 1974
180373	SHIRLEY, TOWN (HANCOCK AND HENRY COS.)	JULY 11, 1975
180340A	SPRING LAKE PARK, TOWN OF (HANCOCK CO.)	FEBRUARY 01, 1974
180348A	STINESVILLE, TOWN OF (MONROE CO.)	FEBRUARY 01, 1974 AND

• UNINCORPORATED AREAS ONLY

INDIANA

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED		
180349A	SULPHUR SPRINGS, TOWN OF (HENRY CO.)	MARCH 05, 1976 FEBRUARY 01, 1974 APRIL 09, 1976		AND
180370	SWEETSER, TOWN OF (GRANT CO)	FEBRUARY 21, 1975		
180350A	TENNYSON, TOWN OF (WARRICK CO.)	FEBRUARY 01, 1974 JUNE 18, 1976		AND
180196A	TROY, TOWN OF (PERRY CO.)	MAY 31, 1974		
180351A	UNIVERSAL, TOWN OF (VERMILLION CO.)	FEBRUARY 01, 1974		
180364	WAKARUSA, TOWN OF (ELKHART CO)	FEBRUARY 21, 1975		
180175A	WAYNETOWN, TOWN OF (MONTGOMERY CO.)	MAY 31, 1974 APRIL 09, 1976		AND
180205	WEST TERRE HAUTE, TOWN (VIGO CO)	NOVEMBER 22, 1974		
180379	WHEATFIELD, TOWN (JASPER CO.)	JUNE 27, 1975		
180313A	WHITING, CITY (LAKE CO)	JANUARY 10, 1975		

TOTAL IN THE STATE 79

• UNINCORPORATED AREAS ONLY

IOWA

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
190538	AFTON, CITY OF (UNION CO.)	SEPTEMBER 26, 1975
190525	AINSWORTH, CITY OF (WASHINGTON CO.)	SEPTEMBER 19, 1975
190136A	ALDEN, CITY OF (HARDIN CO.)	JUNE 21, 1974 AND DECEMBER 26, 1975
190543	ALLERTON, CITY OF (WAYNE CO.)	SEPTEMBER 26, 1975
190546	ALTOONA, CITY OF (POLK CO.)	SEPTEMBER 26, 1975
190092A	ARION, CITY OF (CRAWFORD CO.)	SEPTEMBER 06, 1974 AND MAY 14, 1976
190217	ASHTON, CITY OF (OSCEOLA CO.)	JULY 11, 1975
190548	ATKINS, CITY OF (BENTON CO.)	AUGUST 22, 1975
190098	AURORA, CITY OF (BUCHANAN)	AUGUST 22, 1975
190701	BARNES CITY, CITY OF (MAHASKA & POWESHIEK CO'S)	SEPTEMBER 19, 1975
190551	BATAVIA, CITY OF (JEFFERSON CO.)	SEPTEMBER 26, 1975
190423	BATTLE CREEK, CITY OF (IDA CO.)	SEPTEMBER 26, 1975
190552	BAXTER, CITY OF (JASPER CO.)	SEPTEMBER 12, 1975
190452	BEACON, CITY OF (MAHASKA CO.)	SEPTEMBER 19, 1975
190403	BEAMAN, CITY OF (GRUNDY CO.)	AUGUST 22, 1975
190303A	BELMOND, CITY OF (WRIGHT CO.)	MAY 03, 1974 AND AUGUST 22, 1975
190320	BLAIRSTOWN, CITY OF (BENTON CO.)	SEPTEMBER 19, 1975
190704	BLAKESBURG, CITY OF (MAPELLO CO.)	AUGUST 29, 1975
190517	BLOCKTON, CITY OF (TAYLOR CO.)	SEPTEMBER 26, 1975
190737	BONDURANT, CITY OF (POLK)	SEPTEMBER 05, 1975
190555	BOONE, CITY OF (BOONE CO.)	SEPTEMBER 12, 1975
190556	BOYDEN, CITY OF (SIOUX CO.)	AUGUST 29, 1975
190557	BRIGHTON, CITY OF (WASHINGTON CO.)	SEPTEMBER 19, 1975
190558	BRITT, CITY OF (HANCOCK CO.)	AUGUST 08, 1975
190093	BUCK GROVE, CITY OF (CRAWFORD CO.)	NOVEMBER 29, 1974
190277	CALLENDER, CITY OF (WEBSTER CO.)	NOVEMBER 08, 1974
190492	CARTER LAKE, CITY OF (POTTAWATTAMIE CO.)	SEPTEMBER 19, 1975
190713	CASTALIA, CITY OF (WINNESHIEK CO.)	SEPTEMBER 05, 1975
190402	CASTANA, CITY OF (MONONA CO.)	AUGUST 29, 1975
190209	CHILLICOTHE, CITY OF (WAPELLO CO.)	NOVEMBER 08, 1974
190395	CHURDAN, CITY OF (GREENE CO.)	AUGUST 29, 1975
190330	CLARKSVILLE, CITY OF (BUTLER CO.)	SEPTEMBER 19, 1975
190502	CORYDON, CITY OF (WAYNE CO.)	SEPTEMBER 19, 1975
190723	CRESCENT, CITY OF (POTTAWATTAMIE CO.)	SEPTEMBER 26, 1975
190421	DAKOTA CITY, CITY OF (HUMBOLDT CO.)	NOVEMBER 08, 1974
190725	DALLAS, CITY OF (MARION CO.)	AUGUST 08, 1975
190109	DAVIS CITY, CITY OF (DECATUR CO.)	JULY 18, 1975
190496	DEEP RIVER, CITY OF (POWESHIEK CO.)	SEPTEMBER 19, 1975
190246	DEFIANCE, CITY OF (SHELBY CO.)	DECEMBER 20, 1974
190395A	DELOIT, CITY OF (CRAWFORD CO.)	AUGUST 30, 1974 AND DECEMBER 26, 1975
190359	DESOTO, CITY OF (DALLAS CO.)	SEPTEMBER 26, 1975
190501	DIAGONAL, CITY OF (RINGGOLD CO.)	AUGUST 29, 1975
190355	DICKENS, CITY OF (CLAY CO)	SEPTEMBER 05, 1975
190726	DIXON, CITY (SCOTT)	SEPTEMBER 19, 1975

• UNINCORPORATED AREAS ONLY

IOWA

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
190446	DOON, CITY OF (LYON CO.)	SEPTEMBER 19, 1975
190355A	DOWS, CITY OF (WRIGHT CO.)	JUNE 21, 1974 AND DECEMBER 26, 1975
190509	DYSART, CITY (TAMA CO.)	JULY 25, 1975
190573	EDGEWOOD, CITY OF (CLAYTON AND DELAWARE COS.)	AUGUST 29, 1975
190723	ELBERON, CITY OF (TAMA CO.)	SEPTEMBER 26, 1975
190416	ELMA, CITY OF (HOWARD CO.)	SEPTEMBER 19, 1975
190356	EVERLY, CITY OF (CLAY CO.)	SEPTEMBER 19, 1975
190578	FARLEY, CITY OF (DUBUQUE CO.)	AUGUST 29, 1975
190390	FARRAGUT, CITY OF (FREMONT CO.)	SEPTEMBER 26, 1975
190437	FENTON, CITY OF (KOSSUTH CO.)	SEPTEMBER 19, 1975
190457	FERGUSON, CITY OF (MARSHALL CO.)	SEPTEMBER 26, 1975
190579	FONTANELLE, CITY (ADAIR CO.)	JULY 18, 1975
190247	FREDERIKA, CITY OF (BREMER CO.)	NOVEMBER 22, 1974
190308	FREDONIA, CITY OF (LOUISA CO.)	FEBRUARY 14, 1975
190731	GARDEN GROVE, CITY OF (DECATUR CO.)	SEPTEMBER 12, 1975
190560	GARNAVILLO, CITY (CLAYTON CO.)	AUGUST 08, 1975
190321	GARRISON, CITY OF (BENTON CO.)	AUGUST 08, 1975
190733	GOODELL, CITY OF (HANCOCK CO.)	AUGUST 15, 1975
190279A	GORRIE, CITY OF (WEBSTER CO.)	JUNE 28, 1974 AND FEBRUARY 06, 1976
190104A	GRANGER, CITY OF (DALLAS CO.)	MARCH 22, 1974 AND JANUARY 02, 1976
190737	GRANVILLE, CITY OF (SIOUX)	SEPTEMBER 26, 1975
190736	GRAVITY, CITY OF (TAYLOR CO.)	SEPTEMBER 19, 1975
190159A	GREEN ISLAND, CITY OF (JACKSON CO.)	OCTOBER 25, 1974
190567	GREENFIELD, CITY (ADAIR CO.)	SEPTEMBER 19, 1975
190346	GRISWOLD, CITY OF (CASS CO.)	SEPTEMBER 19, 1975
190236A	HANCOCK, CITY OF (POTTAWATTAMIE CO.)	AUGUST 30, 1974 AND DECEMBER 26, 1975
190260A	HARCOURT, CITY OF (WEBSTER CO.)	DECEMBER 06, 1974
190570	HARTLEY, CITY OF	SEPTEMBER 26, 1975
190204	HASTINGS, CITY OF (MILLS CO.)	SEPTEMBER 19, 1975
190573	HOLSTEIN, CITY (IDA CO.)	SEPTEMBER 19, 1975
190275A	INDIANOLA, CITY OF (WARREN CO.)	JUNE 07, 1974 AND APRIL 30, 1976
190511	IRETON, CITY OF (SIOUX CO.)	JANUARY 24, 1975
190243A	JANESVILLE, CITY OF (BLACK HAWK CO. & BREMER COS.)	DECEMBER 28, 1973 AND JANUARY 16, 1976
190396	JEFFERSON, CITY (GREENE CO.)	AUGUST 29, 1975
190601	KALONA, CITY (WASHINGTON CO.)	SEPTEMBER 26, 1975
190164A	KELLOGG, CITY OF (JASPER CO.)	JUNE 21, 1974 AND JANUARY 16, 1976
190435	KEOTA, CITY OF (KEOKUK CO.)	SEPTEMBER 26, 1975
190602	KEYSTONE, CITY OF (BENTON CO.)	SEPTEMBER 19, 1975
190098	KIRON, CITY OF (CRAWFORD CO.)	NOVEMBER 08, 1974
190430	LA MOTTE, TOWN (JACKSON CO.)	SEPTEMBER 26, 1975
190702	LACONA, CITY OF (WARREN)	SEPTEMBER 19, 1975
190425	LADORA, TOWN (IOWA CO.)	SEPTEMBER 19, 1975

• UNINCORPORATED AREAS ONLY

IOWA

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
190340	LAKE CITY, CITY (CALHOUN CO.)	SEPTEMBER 26, 1975
190361	LAMONT, TOWN (BUCHANAN CO.)	SEPTEMBER 12, 1975
190030	LANSING, TOWN OF (ALLAMAKEE CO.)	JANUARY 04, 1974
190310	LEHIGH, TOWN (WEBSTER CO.)	SEPTEMBER 19, 1975
190311	LETTS, TOWN OF (LOUISA CO.)	DECEMBER 27, 1974
190347	LEWIS, TOWN (CASS CO.)	AUGUST 22, 1975
190759	LIBERTYVILLE, TOWN OF (JEFFERSON)	SEPTEMBER 26, 1975
190417	LIME SPRINGS, TOWN (HOWARD CO.)	SEPTEMBER 19, 1975
190701	LINEVILLE, TOWN OF (WAYNE)	SEPTEMBER 26, 1975
190352A	LINN GROVE, TOWN OF (BUENA VISTA CO.)	AUGUST 16, 1974 AND MARCH 05, 1976
190702	LISCOMB, CITY OF (MARSHALL)	SEPTEMBER 19, 1975
190373A	LITTLEPORT, TOWN OF (CLAYTON CO.)	AUGUST 23, 1974 AND FEBRUARY 06, 1976
190609	LOHRVILLE, TOWN (CALHOUN CO.)	SEPTEMBER 26, 1975
190705	LORIMOR, TOWN OF (UNION)	SEPTEMBER 19, 1975
190611	LOST NATION, CITY (CLINTON CO.)	AUGUST 22, 1975
190612	LOVILIA, CITY (MONROE CO.)	SEPTEMBER 19, 1975
190704	LOVERNE, TOWN OF (KOSSUTH & HUMBOLDT COS.)	SEPTEMBER 19, 1975
190105	LYNNVILLE, TOWN (JASPER CO.)	JANUARY 03, 1975
190325	MADRID, CITY OF (BOONE CO.)	SEPTEMBER 19, 1975
190498	MALCOM, TOWN (POWESHIEK CO.)	SEPTEMBER 19, 1975
190498	MCINTIRE, TOWN (MITCHELL CO.)	SEPTEMBER 26, 1975
190615	MEDIAPOLIS, TOWN (DES MOINES CO.)	SEPTEMBER 26, 1975
190617	MELCHER, CITY (MARION CO.)	AUGUST 08, 1975
190100	MINGO, TOWN (JASPER CO.)	SEPTEMBER 05, 1975
190619	MITCHELLVILLE, CITY (POLK CO.)	SEPTEMBER 19, 1975
190148A	MODALE, TOWN OF (HARRISON CO.)	OCTOBER 18, 1974
190101	MONMOUTH, TOWN (JACKSON CO.)	JANUARY 17, 1975
190620	MONONA, TOWN OF (CLAYTON CO.)	FEBRUARY 21, 1975
190622	MONTEZUMA, TOWN (POWESHIEK CO.)	SEPTEMBER 26, 1975
190782	MONTOUR, CITY OF (TAMA)	SEPTEMBER 05, 1975
190783	MOORHEAD, TOWN OF (MONONA)	SEPTEMBER 19, 1975
190312	MORNING SUN, TOWN (LOUISA CO.)	JANUARY 17, 1975
190625	MURRAY, TOWN (CLARKE CO.)	SEPTEMBER 05, 1975
190493	NEOLA, TOWN (POTTAWATTAMIE CO.)	SEPTEMBER 19, 1975
190307A	NEW ALBIN, TOWN OF (ALLAMAKEE CO.)	MAY 17, 1974
190303	NODAWAY, TOWN (ADAMS CO.)	AUGUST 22, 1975
190304	NORA SPRINGS, TOWN (FLOYD CO.)	SEPTEMBER 26, 1975
190382A	NORTH BUENAVISTA, TOWN OF (CLAYTON CO.)	OCTOBER 18, 1974 AND MARCH 19, 1976
190632	NORWAY, CITY OF (BENTON CO.)	SEPTEMBER 26, 1975
190634	OGDEN, CITY OF (BOONE CO.)	AUGUST 29, 1975
190786	OKOBOJI, CITY OF (DICKINSON CO.)	SEPTEMBER 19, 1975
190279A	OTO, CITY OF (WOODBURY CO.)	SEPTEMBER 13, 1974 AND JANUARY 23, 1976

* UNINCORPORATED AREAS ONLY

IOWA

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
190172A	OXFORD, CITY OF (JOHNSON CO.)	MAY 10, 1974 AND FEBRUARY 06, 1976
190397	PATON, CITY OF (GREENE CO.)	SEPTEMBER 19, 1975
190191	PISGAH, CITY OF (HARRISON CO.)	DECEMBER 06, 1974
190361A	PLYMOUTH, CITY OF (CERRO GORDO CO.)	NOVEMBER 08, 1974 AND MAY 21, 1976
190342	PRAIRIE CITY, CITY OF (JASPER CO.)	AUGUST 29, 1975
190431	PRESTON, CITY OF (JACKSON CO.)	SEPTEMBER 19, 1975
190419	PROTIVIN, CITY OF (HOWARD CO.)	SEPTEMBER 12, 1975
190187A	REASNOR, CITY OF (JASPER CO.)	NOVEMBER 01, 1974
190795	RHODES, CITY OF (MARSHALL CO.)	SEPTEMBER 19, 1975
190347	RICHLAND, CITY OF (KEOKUK CO.)	SEPTEMBER 26, 1975
190100	RICKETTS, CITY OF (CRAWFORD CO.)	NOVEMBER 22, 1974
190467	ROLFE, CITY OF (POCAHONTAS CO.)	SEPTEMBER 05, 1975
190850	RUNNELLS, CITY OF (POLK CO.)	SEPTEMBER 19, 1975
190049	RUSSELL, CITY OF (LUCAS CO.)	SEPTEMBER 26, 1975
190651A	SANBORN, CITY OF (O'BRIEN CO.)	SEPTEMBER 19, 1975 AND JULY 16, 1976
190132A	SHEFFIELD, CITY OF (FRANKLIN CO.)	JUNE 28, 1974 AND JUNE 04, 1976
190657	SIDNEY, CITY OF (FREMONT CO.)	AUGUST 29, 1975
190176A	SIGOURNEY, CITY OF (KEOKUK CO.)	MARCH 15, 1974
190356A	STANWOOD, CITY OF (CEDAR CO.)	AUGUST 09, 1974 AND MAY 14, 1976
190141	STEAMBOAT ROCK, CITY OF (HARDIN CO.	JANUARY 03, 1975
190471	SUTHERLAND, CITY OF (O'BRIEN CO.)	SEPTEMBER 26, 1975
190604	SWEA CITY, CITY OF (KOSSUTH CO.)	SEPTEMBER 19, 1975
190000	THOMPSON, CITY OF (WINNEBAGO CO.)	SEPTEMBER 19, 1975
190173	TIFFIN, CITY OF (JOHNSON CO.)	NOVEMBER 22, 1974
190607	TOLEDO, CITY OF (TAMA CO.)	SEPTEMBER 12, 1975
190008	TRAER, CITY OF (TAMA CO.)	SEPTEMBER 19, 1975
190302	VAN METER, CITY OF (DALLAS CO.)	SEPTEMBER 26, 1975
190421	WALLINGFORD, CITY OF (EMMETT CO.)	SEPTEMBER 26, 1975
190076	WALNUT, CITY OF (POTTAWATTAMIE CO.)	SEPTEMBER 19, 1975
190077	WASHINGTON, CITY OF (WASHINGTON CO.)	SEPTEMBER 19, 1975
190390A	WHEATLAND, CITY OF (CLINTON CO.)	JUNE 28, 1974 AND APRIL 02, 1976
190370	WOODBURN, CITY OF (CLARKE CO.)	DECEMBER 20, 1974

TOTAL IN THE STATE 160

• UNINCORPORATED AREAS ONLY

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
	KANSAS	
200384	ARCADIA, CITY [CRAWFORD CO.]	AUGUST 15, 1975
200464	ARLINGTON, CITY [RENO CO.]	SEPTEMBER 26, 1975
200340	ATHOL, CITY OF [SMITH CO.]	DECEMBER 13, 1974
200388	BARNES, CITY [WASHINGTON CO.]	AUGUST 22, 1975
200389	BEATTIE, CITY [MARSHALL CO.]	AUGUST 29, 1975
200391	BISON, CITY OF [RUSH CO.]	AUGUST 29, 1975
200128	BLUFF CITY, CITY OF [HARPER CO.]	DECEMBER 27, 1974
200393	BRONSON, CITY OF [BOURBON CO.]	JULY 18, 1975
200473	BURDEN, CITY [COWLEY CO.]	SEPTEMBER 19, 1975
200474	CALDWELL, CITY [SUMNER CO.]	SEPTEMBER 19, 1975
200476	CARKER, CITY [MITCHELL CO.]	AUGUST 22, 1975
200477	CEDAR VALE, CITY [CHEUTAUQUA CO.]	AUGUST 15, 1975
200403	CHETOPA, CITY [LABETTE CO.]	SEPTEMBER 19, 1975
200604	COLONY, CITY OF [ANDERSON CO.]	DECEMBER 20, 1974
200400	CUBA, CITY [REPUBLIC CO.]	JULY 25, 1975
200403	DEARING, CITY [MONTGOMERY CO.]	JULY 25, 1975
200199	DELIA, CITY OF [JACKSON CO.]	AUGUST 30, 1974
200479	DENTON, CITY OF [DONIPHAN CO.]	DECEMBER 27, 1974
200404	DEXTER, CITY [COWLEY CO.]	JULY 25, 1975
200409	DOUGLAS, CITY [BUTLER CO.]	JULY 18, 1975
200235	DUNLAP, CITY [MORRIS CO]	JANUARY 03, 1975
200406	DWIGHT, CITY [MORRIS CO.]	SEPTEMBER 19, 1975
200491	EASTBOROUGH, CITY [SEDGWICK CO.]	SEPTEMBER 19, 1975
200236A	ELKHART, CITY OF [MORTON CO.]	MAY 24, 1974 AND DECEMBER 05, 1975
200271	EMMETT, CITY OF [MIAMI CO.]	DECEMBER 20, 1974
200410	ESBON, CITY [JEWELL CO.]	AUGUST 29, 1975
200493	ESKRIDGE, CITY [WABAUNSEE CO.]	AUGUST 22, 1975
200028	FAIRVIEW, CITY OF [BROWN CO.]	NOVEMBER 08, 1974
200221	FONTANA, CITY OF [MIAMI CO.]	DECEMBER 20, 1974
200624	FULTON, CITY [BOURBON CO]	JANUARY 10, 1975
200497	GALVA, CITY [MCPHERSON CO.]	AUGUST 15, 1975
200498	GARDEN PLAIN, CITY [SEDGWICK CO.]	AUGUST 15, 1975 AND JANUARY 02, 1976
200342	GAYLORD, CITY OF [SMITH CO.]	DECEMBER 27, 1974
200414	GEUDA SPRINGS, CITY [COWLEY-SUMNER COS]	SEPTEMBER 12, 1975
200227	GLEN ELDER, CITY OF [MITCHELL CO.]	DECEMBER 27, 1974
200200	GOESSEL, CITY OF [MARION CO.]	NOVEMBER 22, 1974
200239A	GOFF, CITY OF [NEMAHA CO.]	NOVEMBER 08, 1974 AND DECEMBER 26, 1975
200111	GRANDVIEW PLAZA, CITY OF [GEARY CO.]	FEBRUARY 01, 1974 AND AUGUST 09, 1974
200206	GREELEY, CITY OF [ANDERSON CO.]	NOVEMBER 22, 1974
200417	GREENLEAF, CITY [WASHINGTON CO.]	AUGUST 08, 1975
200418	GRENOLA, CITY [ELK CO.]	SEPTEMBER 26, 1975
200204	GRIDLEY, CITY OF [COFFEY CO.]	NOVEMBER 22, 1974
200355	HADDAM, CITY OF [WASHINGTON CO.]	DECEMBER 27, 1974
200629	HAMLIN, CITY [BROWN CO]	SEPTEMBER 19, 1975
200502	HANOVER, CITY [WASHINGTON CO.]	JULY 18, 1975

* UNINCORPORATED AREAS ONLY

KANSAS

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
200421	HARDTNER, CITY [BARBER CO.]	AUGUST 15, 1975
200422	HARTFORD, CITY [LYON CO.]	SEPTEMBER 26, 1975
200352	HARVEYVILLE, CITY OF [WABAUNSEE CO.]	NOVEMBER 08, 1974
200504	HAVILAND, CITY [KIOWA CO.]	AUGUST 22, 1975
200505	HILLSBORO, CITY [MARION CO.]	SEPTEMBER 26, 1975
200141A	HOLTON, CITY OF [JACKSON CO.]	FEBRUARY 22, 1974
200506	HOLYROOD, CITY [ELLSWORTH CO.]	AUGUST 08, 1975
200424	HOPE, CITY [DICKINSON CO.]	SEPTEMBER 19, 1975
200012	HURON, CITY OF [ATCHISON CO.]	DECEMBER 13, 1974
200118	INGALLS, CITY OF [GRAY CO.]	DECEMBER 20, 1974
200425	IUKA, CITY [PRATT CO.]	SEPTEMBER 26, 1975
200512	KENSINGTON, CITY [SMITH CO.]	AUGUST 22, 1975
200067	KINCAID, CITY OF [ANDERSON CO.]	NOVEMBER 22, 1974
200329	KISMET, CITY OF [SEWARD CO.]	NOVEMBER 22, 1974
200190A	LA CYGNE, CITY OF [LINN CO.]	MARCH 15, 1974 AND
		DECEMBER 26, 1975
200103	LANE, CITY OF [FRANKLIN CO.]	DECEMBER 27, 1974
200189A	LANSING, CITY OF [LEAVENWORTH CO.]	AUGUST 23, 1974 AND
		NOVEMBER 28, 1975
200343	LEBANON, CITY OF [SMITH CO.]	DECEMBER 20, 1974
200000A	LEROY, CITY OF [COFFEY CO.]	DECEMBER 26, 1973 AND
		OCTOBER 24, 1975
200369	LIEBENTHAL, CITY [KRUSH CO.]	JANUARY 03, 1975
200491	LINN, CITY [WASHINGTON CO.]	SEPTEMBER 05, 1975
200222A	LOUISBURG, CITY OF [MIAMI CO.]	MARCH 01, 1974 AND
		APRIL 16, 1976
200272	LOUISVILLE, CITY OF [POTTAWATOMIE CO.]	DECEMBER 06, 1974
200310	MCCRACKEN, CITY OF [RUSH CO.]	NOVEMBER 22, 1974
200055	MORGANVILLE, CITY OF [CLAY CO.]	DECEMBER 20, 1974
200002	MORRILL, CITY OF [BROWN CO.]	NOVEMBER 22, 1974
200356	MORROWVILLE, CITY OF [WASHINGTON CO.]	DECEMBER 06, 1974
200197A	MOUND CITY, CITY OF [LINN CO.]	MARCH 01, 1974 AND
		NOVEMBER 21, 1975 AND
200439	MOUND VALLEY, CITY [LABETTE CO.]	APRIL 16, 1976
200440	MULLINVILLE, CITY [KIOWA CO.]	AUGUST 22, 1975
200019A	MUSCOTAH, CITY OF [ATCHISON CO.]	AUGUST 29, 1975
		NOVEMBER 22, 1974 AND
200300	NEOSHO FALLS, CITY OF [WOODSON CO.]	JULY 09, 1976
200204	NEOSHO RAPIDS, CITY [LYON CO.]	JANUARY 31, 1975
200144	NETAWAKA, CITY OF [JACKSON CO.]	JANUARY 03, 1975
200441	NORCATUR, CITY [DECATUR CO.]	NOVEMBER 22, 1974
200150A	NORTONVILLE, CITY OF [JEFFERSON CO.]	SEPTEMBER 12, 1975
		MARCH 01, 1974 AND
200444	OLPE, CITY [LYON CO.]	JUNE 18, 1976
200252A	OSAGE CITY, CITY OF [OSAGE CO.]	SEPTEMBER 26, 1975
		MARCH 01, 1974 AND
200545	OSWEGO, CITY [LABETTE CO.]	FEBRUARY 28, 1975
200311	OTIS, CITY OF [RUSH CO.]	SEPTEMBER 19, 1975
		NOVEMBER 22, 1974

* UNINCORPORATED AREAS ONLY

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED	
	KANSAS		
200546	OVERBROOK, CITY [OSAGE CO.]	AUGUST 15, 1975	
200547	OXFORD, CITY [SUMNER CO.]	AUGUST 08, 1975	
200357	PALMER, CITY OF [WASHINGTON CO.]	DECEMBER 20, 1974	
200198	PARKER, CITY OF (LINN CO)	FEBRUARY 07, 1975	
200447	PERU, CITY [CHAUTAUQUA CO.]	SEPTEMBER 26, 1975	
200165A	PONONA, CITY OF [FRANKLIN CO.]	FEBRUARY 08, 1974	AND
		DECEMBER 26, 1975	
200448	POTWIN, CITY [BUTLER CO.]	SEPTEMBER 26, 1975	
200290	RAYMOND, CITY OF [RICE CO.]	DECEMBER 27, 1974	
200268	REPUBLIC, CITY OF [REPUBLIC CO.]	DECEMBER 06, 1974	
200312	RUSH CENTER, CITY OF [RUSH CO.]	NOVEMBER 22, 1974	
200315B	RUSSELL, CITY OF [RUSSELL CO.]	FEBRUARY 08, 1974	AND
		NOVEMBER 08, 1974	
200455	SCAMMON, CITY [CHEROKEE CO.]	SEPTEMBER 19, 1975	
200097	SCHOENCHEN, CITY (ELLIS CO)	JANUARY 17, 1975	
200528	SEDAN, CITY [CHAUTAUQUA CO.]	AUGUST 22, 1975	
200003	SEVERANCE, CITY OF [DONIPHAN CO.]	DECEMBER 20, 1974	
200457A	SEVERY, CITY [GREENWOOD CO.]	SEPTEMBER 26, 1975	AND
		JUNE 11, 1976	
200529	SHARON SPRINGS, CITY [WALLACE CO.]	SEPTEMBER 12, 1975	
200458	SHARON, CITY [BARBER CO.]	AUGUST 22, 1975	
200145	SOLDIER, CITY OF [JACKSON CO.]	NOVEMBER 22, 1974	
200459	SOUTH HAVEN, CITY (SUMNER CO)	SEPTEMBER 19, 1975	
200531	SPEARVILLE, CITY [FORD CO.]	SEPTEMBER 19, 1975	
200524	ST. FRANCIS, CITY [CHEYENNE CO.E	SEPTEMBER 19, 1975	
200274	ST. GEORGE, CITY (POTTAWATOMIE CO)	JANUARY 03, 1975	
200526	ST. PAUL, CITY [NEOSHO CO.]	SEPTEMBER 19, 1975	
200367	TORONTO, CITY (WOODSON CO)	SEPTEMBER 19, 1975	
200534	TOWANDA, CITY [BUTLER CO.]	AUGUST 08, 1975	
200535	TRIBUNE, CITY [GREELEY CO.]	SEPTEMBER 19, 1975	
200369	TURON, CITY OF (RENO CO)	FEBRUARY 07, 1975	
200370	TYRO, CITY (MONTGOMERY CO)	JULY 25, 1975	
200154A	VALLEY FALLS, CITY OF [JEFFERSON CO.]	OCTOBER 10, 1975	
200374	WALTON, CITY (HARVEY CO)	JANUARY 24, 1975	
200556	WATERVILLE, CITY [MARSHALL CO.]	AUGUST 29, 1975	
200557	WEIR, CITY [CHEROKEE CO.]	SEPTEMBER 19, 1975	
200277A	WESTMORELAND, CITY OF [POTTAWATOMIE CO.]	MARCH 08, 1974	AND
		DECEMBER 26, 1975	
200[illegible]	WESTPHALIA, CITY (ANDERSON CO)	DECEMBER 20, 1974	
200376	WETMORE, CITY OF (NEMAHA)	FEBRUARY 14, 1975	
200377	WHITE CITY, CITY (MORRIS CO)	SEPTEMBER 19, 1975	
200000	WHITE CLOUD, CITY OF [DONIPHAN CO.]	DECEMBER 27, 1974	
200559	WHITEWATER, CITY [BUTLER CO.]	SEPTEMBER 19, 1975	
200146	WHITING, CITY OF [JACKSON CO.]	NOVEMBER 29, 1974	
200379	WOODSTON, CITY (BROOKS CO)	SEPTEMBER 26, 1975	

TOTAL IN THE STATE 126

* UNINCORPORATED AREAS ONLY

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
	KENTUCKY	
210070A	ALLEN, TOWN OF [FLOYD CO.]	JANUARY 23, 1974 AND FEBRUARY 27, 1976
210343A	ARLINGTON, TOWN OF [CARLISLE CO.]	MAY 17, 1974
210344A	BARDWELL, TOWN OF [CARLISLE CO.]	MAY 17, 1974 AND FEBRUARY 27, 1976
210105A	BERRY, TOWN OF [HARRISON CO.]	AUGUST 16, 1974 AND FEBRUARY 20, 1976
210167A	BOONEVILLE, CITY OF [LOWSLEY CO.]	FEBRUARY 01, 1974 AND FEBRUARY 20, 1976
210161A	BRADFORDSVILLE, CITY OF [MARION CO.]	MAY 10, 1974 AND FEBRUARY 20, 1976
210023	BREATHITT COUNTY	JANUARY 03, 1975
210201A	BROOKHEAD, CITY OF [CRUCK CASTLE CO.]	MAY 17, 1974 AND FEBRUARY 27, 1976
210154A	CALHOUN, TOWN OF [MCLEAN CO.]	FEBRUARY 01, 1974
210342	CARLISLE COUNTY *	OCTOBER 18, 1974
210093	CASEY COUNTY *	DECEMBER 13, 1974
210057	CLAY COUNTY *	DECEMBER 27, 1974
210111A	CLINTON, TOWN OF [HICKMAN CO.]	MAY 17, 1974 AND SEPTEMBER 24, 1976
210263	COAL RUN, CITY [PIKE CO]	JANUARY 10, 1975
210173	CRAB ORCHARD, TOWN OF [LINCOLN CO.]	JUNE 14, 1974
210300	CUMBERLAND COUNTY	JANUARY 03, 1975
210238A	FLORENCE, TOWN OF [BOONE CO.]	FEBRUARY 01, 1974 AND FEBRUARY 20, 1976
210333B	FORT THOMAS, CITY OF [CAMPBELL CO.]	JANUARY 25, 1974 AND JUNE 25, 1976
210272	FOSTER, CITY [BRACKEN CO]	AUGUST 01, 1975
210330	FREDONIA, TOWN [CALDWELL CO]	JULY 25, 1975
210301	GARRARD COUNTY *	OCTOBER 18, 1974
210340A	GHENT, TOWN OF [CARROLL CO.]	JANUARY 16, 1974
210251	GILBERTSVILLE, CITY [MARSHALL CO.]	JULY 25, 1975
210376A	GLENCOE, CITY OF [GALLATIN CO.]	FEBRUARY 01, 1974 AND JUNE 04, 1976
210394	HARDIN COUNTY *	OCTOBER 18, 1974
210333A	HARDIN, CITY OF [MARSHALL CO.]	JUNE 14, 1974 AND AUGUST 13, 1976
210106	HARDIN, TOWN OF [MARSHALL CO.]	MAY 10, 1974
210332A	HAZEL, TOWN OF [CALLOWAY CO.]	AUGUST 09, 1974
210110	HENRY COUNTY *	OCTOBER 18, 1974
210377A	HICKMAN, CITY OF [FULTON CO]	JUNE 28, 1974 AND JUNE 04, 1976
210112A	HOPKINS COUNTY *	OCTOBER 18, 1974 AND APRIL 23, 1976
210134	LAUREL COUNTY *	DECEMBER 27, 1974
210304A	LEBANON JUNCTION, CITY OF [BULLITT CO.]	MARCH 15, 1974
210345A	LEITCHFIELD, TOWN OF [GRAYSON CO.]	MAY 10, 1974 AND SEPTEMBER 03, 1976
210141	LEWIS COUNTY *	DECEMBER 20, 1974

* UNINCORPORATED AREAS ONLY

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED		
	KENTUCKY			
210186	MARTIN COUNTY *	DECEMBER	13, 1974	
210371A	MARTIN, TOWN OF [FLOYD CO.]	MAY	24, 1974	AND
		FEBRUARY	27, 1976	
210233A	MCHENRY, TOWN OF [OHIO CO.]	OCTOBER	25, 1974	
210153	MCLEAN COUNTY *	DECEMBER	06, 1974	
210314A	MILLERSBURG, CITY OF [BOURBON CO.]	MAY	10, 1974	AND
		FEBRUARY	20, 1976	
210242A	MORGANTOWN, TOWN OF [BUTLER CO.]	FEBRUARY	01, 1974	
210150	OHIO COUNTY *	OCTOBER	18, 1974	
210249A	PETERSBURG, TOWN OF [BOONE CO.]	JANUARY	23, 1974	
210299	PHELPS, CITY [PIKE CO.]	AUGUST	01, 1975	
210174	POWELL COUNTY *	NOVEMBER	29, 1974	
210245A	ROCKPORT, TOWN OF [OHIO CO.]	FEBRUARY	01, 1974	
210260	SADIEVILLE, CITY [SCOTT CO.]	JANUARY	03, 1975	
210209	SHELBY COUNTY *	OCTOBER	18, 1974	
210294	SOUTH CARROLLTON, CITY [MUHLENBERG CO.]	JULY	25, 1975	
210276	SOUTHGATE, CITY [CAMPBELL CO.]	AUGUST	01, 1975	
210143A	ST. MATTHEWS, CITY OF [JEFFERSON CO.]	DECEMBER	06, 1974	
210212	TAYLOR COUNTY *	OCTOBER	18, 1974	
210218A	UNIONTOWN, TOWN OF [UNION CO.]	MAY	17, 1974	
210270	UNION, TOWN [BOONE CO.]	AUGUST	01, 1975	
210192A	VICCO, CITY OF [PERRY CO.]	MAY	10, 1974	AND
		MARCH	05, 1976	
210396A	VINE GROVE, CITY OF [HARDIN CO.]	MAY	17, 1974	AND
		MARCH	05, 1976	
210248A	WHEAT CROFT, TOWN OF [WEBSTER CO.]	FEBRUARY	15, 1974	AND
		MARCH	05, 1976	
210307	WINSTON PARK, TOWN OF [KENTON CO.]	JANUARY	23, 1974	
	TOTAL IN THE STATE	58		

* UNINCORPORATED AREAS ONLY

COMMUNITY NUMBER	NAME		HAZARD AREA IDENTIFIED		
		LOUISIANA			
220114	ALBANY, VILLAGE OF	(LIVINGSTON PARISH)	APRIL	12, 1974	
220231	ANGIE, VILLAGE	(WASHINGTON PARISH)	JANUARY	03, 1975	
220354	ATHENS, VILLAGE OF	(CLAIBORNE PARISH)	FEBRUARY	21, 1975	
220026	BEAUREGARD PARISH		JANUARY	17, 1975	
220314	BERNICE TOWN	(UNION CO)	JANUARY	17, 1975	
220315	BLANCHARD VIL	(CADDO CO)	SEPTEMBER	19, 1975	
220316	BONITA VIL	(MOREHOUSE CO)	AUGUST	22, 1975	
220147A	BOYCE, TOWN OF	(RAPIDES PARISH)	APRIL	05, 1974	
220318	CHATHAM TOWN	(JACKSON CO)	SEPTEMBER	19, 1975	
220319	CHOUDRANT VIL	(LINCOLN CO)	JUNE	27, 1975	
220320	CLARKS VIL	(CALDWELL CO)	AUGUST	15, 1975	
220208	CONVERSE VIL	(SABINE PARISH)	AUGUST	29, 1975	
220230A	COTLINE, VILLAGE OF	(WEBSTER PARISH)	APRIL	05, 1974	AND
			OCTOBER	17, 1975	
220260	DRY PRONG VIL	(GRANT CO)	SEPTEMBER	26, 1975	
220324	ELIZABETH TOWN	(ALLEN CO)	JULY	25, 1975	
220264	EVERGREEN, VILLAGE OF	(AVOYELLES PARISH)	SEPTEMBER	26, 1975	
220325	FARMERVILLE TOWN	(UNION CO)	MAY	02, 1975	
220326	FLORIEN VIL	(SABINE PARISH)	JULY	25, 1975	
220265	FOLSOM VIL	(ST. TAMMANY CO)	JULY	18, 1975	
220117A	FRENCH SETTLEMENT, VILLAGE OF	(LIVINGSTON PAR.)	OCTOBER	25, 1974	AND
			MARCH	12, 1976	
220268	GEORGETOWN VIL	(GRANT CO)	AUGUST	15, 1975	
220327	GIBSLAND TOWN	(CLEVILLE CO)	JULY	11, 1975	
220269	GILLIAM, VILLAGE OF	(CADDO PARISH)	SEPTEMBER	19, 1975	
220270	GOLDONNA VIL	(NATCHITOCHES CO)	SEPTEMBER	19, 1975	
220271	GRAND CANE VIL	(DE SOTO CO)	MAY	02, 1975	
220331	HODGE VIL	(JACKSON CO)	JULY	11, 1975	
220332	HORNBECK VIL	(VERNON CO)	AUGUST	15, 1975	
220275	HOUSTON TOWN	(CADDO CO)	JULY	25, 1975	
220276	IDA, VILLAGE OF	(CADDO PARISH)	AUGUST	15, 1975	
220282	JONESBORO, TOWN	(JACKSON PARISH)	SEPTEMBER	12, 1975	
220335	JUNCTION CITY, CITY	(CLAIBORNE-UNION CO)	JULY	18, 1975	
220118	LIVINGSTON, VILLAGE	(LIVINGSTON PARISH)	SEPTEMBER	19, 1975	
220336	LOGANSPORT TOWN	(DE SOTO CO)	AUGUST	15, 1975	
220338	MARION VIL	(UNION CO)	MAY	02, 1975	
220290	MONTGOMERY, TOWN	(GRANT PARISH)	SEPTEMBER	19, 1975	
220307A	MORSE, TOWN	(ACADIA PARISH)	NOVEMBER	23, 1973	AND
			MARCH	12, 1976	
220302	NORWOOD VIL	(EAST FELICIANA CO)	JULY	11, 1975	
220312A	OBERLIN, CITY OF	(ALLEN PARISH)	JUNE	21, 1974	AND
			NOVEMBER	14, 1975	
220203A	PEARL RIVER, TOWN OF	(ST. TAMMANY PARISH)	MAY	24, 1974	AND
			JULY	09, 1976	
220305	POLLOCK, VILLAGE OF	(GRANT PARISH)	AUGUST	15, 1975	
220307	REEVES VIL	(ALLEN CO)	AUGUST	15, 1975	
220308	ROBELINE TOWN	(CADDO CO)	JULY	18, 1975	
220212A	ROSELAND, TOWN OF	(TANGIPAHOA PARISH)	OCTOBER	26, 1973	AND
			APRIL	09, 1976	

• UNINCORPORATED AREAS ONLY

LOUISIANA

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
220258	SIBLEY, VILLAGE OF (WEBSTER PARISH)	FEBRUARY 07, 1975
220350A	SICILY ISLAND, VILLAGE OF (CATAHOULA PARISH)	DECEMBER 28, 1973
220310	SIKES, VILLAGE OF (WINN PARISH)	APRIL 25, 1975
220311	SIMPSON VIL (VERNON CO)	AUGUST 08, 1975
220312	SIMSBORO, VILLAGE OF (LINCOLN PARISH)	FEBRUARY 07, 1975
220259	SLAUGHTER, TOWN (LE. FELICIANA PAR)	SEPTEMBER 19, 1975
220120	SPRINGFIELD, TOWN OF (LIVINGSTON PARISH)	AUGUST 23, 1974
220137A	STERLINGTON, TOWN OF (OUACHITA PARISH)	DECEMBER 17, 1973 AND JANUARY 09, 1976
220205A	SUN, VILLAGE OF (ST. TAMMANY PARISH)	AUGUST 30, 1974 AND APRIL 16, 1976
220269A	TURKEY CREEK, VILLAGE OF (EVANGELINE PARISH)	AUGUST 30, 1974 AND OCTOBER 31, 1975
220294A	VARNADO, VILLAGE OF (WASHINGTON PARISH)	OCTOBER 25, 1974 AND APRIL 30, 1976
220290	WASHINGTON PARISH	JANUARY 10, 1975
220352	WILSON VIL (EAST FELICIANA CO)	JULY 18, 1975
220353	ZWOLLE TOWN (SABINE PARISH)	AUGUST 15, 1975

TOTAL IN THE STATE 57

• UNINCORPORATED AREAS ONLY

MAINE

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
230303	ALEXANDER, TOWN OF (WASHINGTON CO.)	DECEMBER 06, 1974
230083	ALNA, TOWN (LINCOLN CO)	JANUARY 03, 1975
230272	AMHERST, TOWN (HANCOCK CO)	JANUARY 24, 1975
230208	ARROWSIC, TOWN (SAGADAHOC CO)	JANUARY 17, 1975
230200	BALDWIN, TOWN OF (CUMBERLAND)	FEBRUARY 14, 1975
230252	BELMONT, TOWN (WALDO CO)	MARCH 14, 1975
230144A	BERWICK, TOWN OF (YORK CO.)	AUGUST 09, 1974 AND JULY 30, 1976
230130A	BURHAM, TOWN OF (WALDO CO.)	JULY 26, 1974 AND SEPTEMBER 24, 1976
230374	BURLINGTON, TOWN OF (PENOBSCOT COU)	FEBRUARY 07, 1975
230375	CARMEL, TOWN OF (PENOBSCOT CO)	FEBRUARY 28, 1975
230376	CHARLESTON, TOWN OF (PENOBSCOT CO)	FEBRUARY 21, 1975
230377	CLIFTON, TOWN OF (PENOBSCOT COU)	FEBRUARY 07, 1975
230307	COLUMBIA, TOWN OF (WASHINGTON)	FEBRUARY 14, 1975
230300	CORINTH, TOWN (PENOBSCOT CO)	FEBRUARY 21, 1975
230309	CRAWFORD, TOWN (WASHINGTON CO)	JANUARY 17, 1975
230190A	DAYTON, TOWN OF (YORK CO)	JUNE 28, 1974 AND JULY 30, 1976
230279	DEDHAM, TOWN (HANCOCK CO)	APRIL 18, 1975
230064	DRESDEN, TOWN OF (LINCOLN CO.)	SEPTEMBER 20, 1974
230217A	EDGECOMB, TOWN (LINCOLN CO)	JANUARY 03, 1975 AND APRIL 23, 1976
230257	FAYETTE, TOWN OF (KENNEBEC CO.)	NOVEMBER 29, 1974
230225	FRIENDSHIP, TOWN (KNOX CO)	JANUARY 03, 1975
230100	GILEAD, TOWN OF (OXFORD COU)	FEBRUARY 07, 1975
230300	GREENFIELD, TOWN OF (PENOBSCOT CO)	FEBRUARY 21, 1975
230314	HARRINGTON, TOWN OF (WASHINGTON CO)	FEBRUARY 21, 1975
230425	HERSEY, TOWN OF (AROOSTOOK CO.)	DECEMBER 20, 1974
230302	JACKMAN, TOWN (SOMERSET CO)	JANUARY 24, 1975
230315	JONESBORO, TOWN OF (WASHINGTON)	FEBRUARY 14, 1975
230393	LAGRANGE, TOWN OF (PENOBSCOT CO.)	FEBRUARY 28, 1975
230193	LEBANON, TOWN OF (YORK COU)	FEBRUARY 07, 1975
230427	LINNEUS, TOWN OF (AROOSTOOK CO.)	FEBRUARY 21, 1975
230426	LITTLETON, TOWN OF (AROOSTOOK CO.)	MARCH 21, 1975
230395	LOWELL, TOWN OF (PENOBSCOT CO)	FEBRUARY 21, 1975
230429	LUDLOW, TOWN OF (AROOSTOOK CO)	FEBRUARY 21, 1975
230206	MARIAVILLE, TOWN (HANCOCK CO)	MARCH 14, 1975
230410	MEDFORD, TOWN OF (PISCATAQUIS)	FEBRUARY 14, 1975
230176A	MERCER, TOWN OF (SOMERSET CO.)	JANUARY 31, 1975 AND SEPTEMBER 24, 1976
230201	MONTVILLE, TOWN OF (WALDO CO)	FEBRUARY 21, 1975
230363	MOOSE RIVER, TOWN (SOMERSET CO)	JANUARY 17, 1975
230207	MT. DESERT, TOWN (HANCOCK CO)	JANUARY 17, 1975
230216	NEWCASTLE, TOWN OF (LINCOLN CO.)	FEBRUARY 21, 1975
230318	NORTHFIELD, TOWN OF (WASHINGTON)	FEBRUARY 14, 1975
230100	ORRINGTON, TOWN OF (PENOBSCOT COU)	FEBRUARY 07, 1975
230289	OTIS, TOWN (HANCOCK CO)	APRIL 18, 1975
230412	PARKMAN, TOWN OF (PISCATAQUIS)	FEBRUARY 14, 1975

• UNINCORPORATED AREAS ONLY

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
	MAINE	
230143	PEMBROKE, TOWN OF (WASHINGTON CO.)	OCTOBER 18, 1974
230030	PERHAM, TOWN (AROOSTOOK CO.)	APRIL 18, 1975
230264	PROSPECT, TOWN OF (WALDO)	FEBRUARY 14, 1975
230266	SEBAGO, TOWN (CUMBERLAND CO.)	JANUARY 17, 1975
230291	SEDGWICK, TOWN (HANCOCK CO.)	JANUARY 24, 1975
230198	SHAPLEIGH, TOWN (YORK CO.)	JANUARY 17, 1975
230415	SHIRLEY, TOWN (PISCATAQUIS CO.)	JANUARY 24, 1975
230292	SORRENTO, TOWN (HANCOCK CO.)	JANUARY 24, 1975
230400	SPRINGFIELD, TOWN (PENOBSCOT CO.)	JANUARY 24, 1975
230323	STEUBEN, TOWN OF (WASHINGTON CO.)	FEBRUARY 21, 1975
230035	STOCKHOLM, TOWN (AROOSTOOK CO.)	JANUARY 10, 1975
230294A	STONINGTON, TOWN OF (HANCOCK CO.)	FEBRUARY 21, 1975 AND JUNE 04, 1976
230103	ST. FRANCIS, TOWN OF (AROOSTOOK CO.)	DECEMBER 20, 1974
230324	TOPSFIELD, TOWN (WASHINGTON CO.)	MARCH 14, 1975
230298A	TREMONT, TOWN OF (HANCOCK CO.)	JANUARY 31, 1975 AND SEPTEMBER 17, 1976
230248	VASSALBOROUGH, TOWN OF (KENNEBEC COU)	FEBRUARY 07, 1975
230403A	VEAZIE, TOWN (PENOBSCOT CO.)	JANUARY 03, 1975 AND JULY 30, 1976
230439	WALES, TOWN OF (ANDROSCOGGIN CO.)	FEBRUARY 21, 1975
230301	WALTHAM, TOWN (HANCOCK CO.)	JANUARY 03, 1975
230082	WASHINGTON, TOWN OF (KNOX CO.)	SEPTEMBER 06, 1974
230039	WESTON, TOWN OF (AROOSTOOK CO.)	FEBRUARY 21, 1975
230222	WESTPORT, TOWN (LINCOLN CO.)	JANUARY 03, 1975
230067	WHITEFIELD, TOWN OF (LINCOLN CO.)	JULY 26, 1974
230328	WHITING, TOWN OF (WASHINGTON COU)	FEBRUARY 07, 1975
230404	WINN, TOWN (PENOBSCOT CO.)	JANUARY 24, 1975
	TOTAL IN THE STATE	69

• UNINCORPORATED AREAS ONLY

MARYLAND

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
240162A	DEER PARK, TOWN OF (GARRETT CO.)	NOVEMBER 08, 1974
240106	GALESTOWN, TOWN (DORCHESTER CO.)	JULY 11, 1975
240114	LUKE, TOWN (ALLEGANY CO.)	JULY 18, 1975
240059A	QUEEN ANNE, TOWN OF (QUEEN ANNE'S CO.)	AUGUST 09, 1974

TOTAL IN THE STATE 4

* UNINCORPORATED AREAS ONLY

MASSACHUSETTS

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
250076	ACUSHNET, TOWN OF (BRISTOL CO.)	SEPTEMBER 06, 1974
250134	BLANDFORD, TOWN OF (HAMPDEN CO.)	JULY 26, 1974
250135	BRIMFIELD, TOWN OF (HAMPDEN CO.)	JULY 19, 1974
250136	CHESTER, TOWN OF (HAMPDEN CO.)	JULY 19, 1974
250068	CHILMARK, TOWN OF (DUKES CO.)	DECEMBER 06, 1974
250300A	CLINTON, TOWN OF (WORCESTER CO.)	AUGUST 09, 1974 AND AUGUST 06, 1976
250191A	DUNSTABLE, TOWN OF (MIDDLESEX CO.)	NOVEMBER 29, 1974 AND JULY 16, 1976
250100	EAST HAMPTON, TOWN OF (HAMPSHIRE CO.)	JUNE 21, 1974
255211A	FALMOUTH, TOWN OF (BARNSTABLE CO.)	MAY 18, 1973
250365A	GARDNER, CITY OF (WORCESTER CO.)	SEPTEMBER 06, 1974 AND MARCH 12, 1976
250071	GOSNOLD, TOWN OF (DUKES CO.)	DECEMBER 20, 1974
250139	GRANVILLE, TOWN OF (HAMPDEN CO.)	AUGUST 30, 1974
250311	HUBBARDSTON, TOWN OF (WORCESTER CO.)	SEPTEMBER 06, 1974
250121	LEYDEN, TOWN OF (FRANKLIN CO.)	FEBRUARY 07, 1975
250140	MONTGOMERY, TOWN OF (HAMPDEN CO.)	NOVEMBER 22, 1974
250032	NEW ASHFORD, TOWN OF (BERKSHIRE CO.)	NOVEMBER 22, 1974
250324A	OAKHAM, TOWN OF (WORCESTER CO.)	AUGUST 02, 1974 AND AUGUST 20, 1976
250340A	PAXTON, TOWN OF (WORCESTER CO.)	JULY 26, 1974 AND JULY 30, 1976
250108	PELHAM, TOWN OF (HAMPSHIRE CO.)	JUNE 28, 1974
250030	PERU, TOWN OF (BERKSHIRE CO.)	NOVEMBER 01, 1974
250109	PLAINFIELD, TOWN OF (HAMPSHIRE CO.)	NOVEMBER 01, 1974
250101	ROWLEY, TOWN OF (ESSEX CO.)	JULY 26, 1974
250126	SHUTESBURY, TOWN OF (FRANKLIN CO.)	FEBRUARY 21, 1975
250151	TOLLAND, TOWN (HAMPDEN CO.)	APRIL 04, 1975
255222A	TRURO, TOWN OF (BARNSTABLE CO.)	APRIL 20, 1973
250043	TYRINGHAM, TOWN OF (BERKSHIRE CO.)	NOVEMBER 29, 1974
250150	WARWICK, TOWN (FRANKLIN CO.)	JANUARY 24, 1975
250044	WASHINGTON, TOWN OF (BERKSHIRE CO.)	NOVEMBER 01, 1974
250151	WENDELL, TOWN (FRANKLIN CO.)	JANUARY 17, 1975
250074	WEST TISBURY, TOWN OF (DUKES)	FEBRUARY 14, 1975
250047	WINDSOR, TOWN OF (BERKSHIRE CO.)	NOVEMBER 22, 1974

TOTAL IN THE STATE — 31

• UNINCORPORATED AREAS ONLY

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED		
	MICHIGAN			
260613	AHMEEK, VILLAGE OF (KEWEENAW CO.)	OCTOBER	17, 1975	
260535	ANN ARBOR, TOWNSHIP (WASHTENAW CO.)	AUGUST	15, 1975	
260558	ATHENS, VILLAGE (CALHOUN CO)	SEPTEMBER	19, 1975	
260520	BANCROFT, VILLAGE (SHIAWASSEE CO.)	OCTOBER	10, 1975	
260529	BANGOR, CITY (VAN BUREN CO.)	SEPTEMBER	26, 1975	
260210A	BANGOR, TOWNSHIP (VAN BUREN CO)	JANUARY	10, 1975	AND
		JANUARY	09, 1976	
260551	BARAGA, VILLAGE (BARAGA CO)	OCTOBER	31, 1975	
260192A	BERLIN, TOWNSHIP OF (ST. CLAIR CO.)	AUGUST	23, 1974	AND
		AUGUST	06, 1976	
260047A	BLAINE, TOWNSHIP OF (BENZIE CO.)	SEPTEMBER	20, 1974	AND
		JULY	09, 1976	
260339	BLISSFIELD, VILLAGE (LENAWEE CO.)	SEPTEMBER	12, 1975	
260360	BRAMPTON, TOWNSHIP (DELTA CO.)	OCTOBER	10, 1975	
260530	BREEDSVILLE, VILLAGE (VAN BUREN CO.)	SEPTEMBER	26, 1975	
260505	BROCKWAY, TOWNSHIP (ST. CLAIR CO.)	OCTOBER	24, 1975	
260611	BRYON, VILLAGE OF (SHIAWASSEE CO.) MI	SEPTEMBER	19, 1975	
260547	CARO, VILLAGE (TUSCOLA CO)	OCTOBER	24, 1975	
260509	CENTREVILLE, VILLAGE (ST. JOSEPH CO.)	JULY	11, 1975	
260420	CHARLESTON, TOWNSHIP (KALAMAZOO CO.)	JULY	25, 1975	
260599	CHELSEA, VILLAGE (WASHTENAW CO)	OCTOBER	03, 1975	
260498	CHOCOLAY, TOWNSHIP (MARQUETTE CO.)	OCTOBER	24, 1975	
260600	CLARENCE, TOWNSHIP (CALHOUN CO)	SEPTEMBER	26, 1975	
260579	CLIFFORD, VILLAGE (LAPEER CO)	OCTOBER	24, 1975	
260457	CLINTON, VILLAGE (LENAWEE CO.)	APRIL	18, 1975	
260195A	CLYDE, TOWNSHIP OF (ST. CLAIR CO.)	JULY	26, 1974	AND
		JUNE	04, 1976	
260510	COLON, TOWNSHIP (ST. JOSEPH CO.)	JULY	18, 1975	
260433	COLUMBIAVILLE, VILLAGE (LAPEER CO.)	JULY	11, 1975	
260531	COLUMBIA, TOWNSHIP (VAN BUREN CO.)	SEPTEMBER	05, 1975	
260427	COMSTOCK, TOWNSHIP (KALAMAZOO CO.)	OCTOBER	10, 1975	
260491	COOPERSVILLE, VILLAGE OF	SEPTEMBER	26, 1975	
260454	CUSTER, VILLAGE (MASON CO.)	SEPTEMBER	26, 1975	
260600	DEXTER, VILLAGE OF (WASHTENAW CO.)	OCTOBER	17, 1975	
260549	DOUGLAS, VILLAGE (ALLEGAN CO)	SEPTEMBER	26, 1975	
260391	EATON RAPIDS, TOWNSHIP (EATON CO.)	SEPTEMBER	12, 1975	
260304	EDWARDSBURG, VILLAGE (CASS CO.)	JULY	11, 1975	
260553	ELBERTA, VILLAGE (BENZIE CO)	SEPTEMBER	19, 1975	
260509	ELKTON, VILLAGE OF (HURON COUNTY)	OCTOBER	03, 1975	
260349	ELLSWORTH, VILLAGE (ANTRIM CO.)	APRIL	11, 1975	
260327A	EVART, CITY (OSCEOLA CO.)	APRIL	25, 1975	AND
		FEBRUARY	06, 1976	
260566A	EXETER, TOWNSHIP, (MONROE CO)	OCTOBER	03, 1975	AND
		JULY	30, 1976	
260400	FIFE LAKE, VILLAGE (GRAND TRAVERSE CO.)	JULY	11, 1975	
260576	GALESBURG, CITY (KALAMAZOO CO)	OCTOBER	24, 1975	
260525	GILFORD, TOWNSHIP (TUSCOLA CO.)	SEPTEMBER	19, 1975	
260610	GRANT, TOWNSHIP OF (CHEBOYGAN CO.)	OCTOBER	24, 1975	

• UNINCORPORATED AREAS ONLY

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
	MICHIGAN	
260543	HARRISVILLE, CITY [ALCONA CO.]	SEPTEMBER 26, 1975
260532	HARTFORD, CITY [VAN BUREN CO.]	JULY 11, 1975
260347	HEATH, TOWNSHIP [ALLEGAN CO.]	AUGUST 22, 1975
260409	HERSEY, VILLAGE [OSCEOLA CO.]	JULY 11, 1975
260465	HESPERIA, VILLAGE [OCEANA CO.]	JULY 11, 1975
260137A	HINTON, TOWNSHIP OF [HECOSTA CO.]	SEPTEMBER 06, 1974 AND JULY 23, 1976
260402	HOLLAND, TOWNSHIP [MISSAUKEE CO.]	AUGUST 01, 1975
260508	HOUGHTON, CITY OF (HOUGHTON COUNTY)	OCTOBER 24, 1975
260416	HUBBARDSTON, VILLAGE [IONIA + CLINTON CCS.]	SEPTEMBER 26, 1975
260495	HUDSONVILLE, CITY [OTTAWA CO.]	SEPTEMBER 05, 1975
260084	ITHACA, CITY OF [GRATIOT CO.]	DECEMBER 27, 1974
260468	JONESVILLE, VILLAGE [HILLSDALE CO.]	SEPTEMBER 26, 1975
260597	KIMBALL, TOWNSHIP (ST. CLAIR CO)	SEPTEMBER 19, 1975
260301	KINDERHOOK, TOWNSHIP [BRANCH CO.]	AUGUST 08, 1975
260561	KOCHVILLE, TOWNSHIP [SAGINAW CO.]	JULY 25, 1975
260306	LAGRANGE, TOWNSHIP [CASS CO.]	OCTOBER 17, 1975
260412	LAKE LINDEN, VILLAGE [HOUGHTON CO.]	APRIL 11, 1975
260403	LAKEVIEW, VILLAGE [MONTCALM CO.]	JULY 11, 1975
260533	LANTON, VILLAGE [VAN BUREN CO.]	SEPTEMBER 26, 1975
260314	LINCOLN, TOWNSHIP OF [LAKE AC CO.]	JUNE 14, 1974
260378	LINDEN, VILLAGE [GENESEE CO.]	SEPTEMBER 26, 1975
260501	LUDINGTON, CITY OF (MASON CO.)	OCTOBER 03, 1975
260304	MAPLE RAPIDS, VILLAGE [CLINTON CO.]	APRIL 25, 1975
260609	MARATHON, TOWNSHIP OF (LAPEER CO.)	OCTOBER 24, 1975
260503	MARENGO, TOWNSHIP OF (CALHOUN COUNTY)	SEPTEMBER 19, 1975
260328	MARION, VILLAGE [OSCEOLA CO.]	APRIL 25, 1975
260407	MCMILLAN, TOWNSHIP [ONTONAGON CO.]	OCTOBER 03, 1975
260509	MECOSTA, VILLAGE	OCTOBER 10, 1975
260310	MELVINDALE, CITY [WAYNE CO]	JANUARY 10, 1975
260350	MIDDLEVILLE, VILLAGE [BARRY CO.]	JULY 18, 1975
260400	MILLS, TOWNSHIP [OGEMAW CO.]	JULY 25, 1975
260350	MONITOR, TOWNSHIP [BAY CO.]	JULY 25, 1975
260521	NEW HAVEN, TOWNSHIP [SHIAWASSEE CO.]	JULY 25, 1975
260340	NEWAYGO, CITY [NEWAYGO, CO.]	SEPTEMBER 12, 1975
260336	NORTH BRANCH, VILLAGE [LAPEER CO.]	SEPTEMBER 12, 1975
260332	NORWAY, CITY [DICKINSON CO.]	JULY 11, 1975
260502	OAKLEY, VILLAGE [SAGINAW CO.]	SEPTEMBER 26, 1975
260413	OSCEOLA, TOWNSHIP [HOUGHTON CO.]	SEPTEMBER 26, 1975
260425	PARMA, VILLAGE [JACKSON CO.]	JULY 11, 1975
260598	PAW PAW, VILLAGE (VAN BUREN CO)	OCTOBER 10, 1975
260634	PERRINGTON, VILLAGE OF (GRATIOT CO.)	AUGUST 29, 1975
260571	PIGEON, VILLAGE (HURON CO)	OCTOBER 10, 1975
260534	PINE GROVE, TOWNSHIP [VAN BUREN CO.]	JULY 25, 1975
260400	POWERS, VILLAGE [MENOMINEE CO.]	JULY 11, 1975
260404	RAVENNA, VILLAGE [MUSKEGON CO.]	SEPTEMBER 26, 1975
260402	RICHFIELD, TOWNSHIP [GENESEE CO.]	JULY 11, 1975

• UNINCORPORATED AREAS ONLY

MICHIGAN

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
260522	RUSH, TOWNSHIP [SHIAWASEE CO.]	AUGUST 08, 1975
260523	SHIAWASEE, TOWNSHIP [SHIAWASEE CO.]	OCTOBER 10, 1975
260612	SOUTH RANGE, VILLAGE OF (HOUGHTON CO.)	OCTOBER 17, 1975
260557	STEVENSVILLE, VILLAGE (BERRIEN CO)	SEPTEMBER 26, 1975
260573	STOCKBRIDGE, VILLAGE (INGHAM CO)	OCTOBER 03, 1975
260503	TAYMOUTH, TOWNSHIP [SAGINAW CO.]	AUGUST 15, 1975
260504	TITTABAWASEE, TOWNSHIP [SAGINAW CO.]	AUGUST 15, 1975
260351	TURNER, TOWNSHIP [ARENAC CO.]	JULY 18, 1975
260354	ULBY, VILLAGE [HURON CO.]	APRIL 11, 1975
260608	UTICA, CITY OF (MACOMB CO.)	OCTOBER 17, 1975
260524	VERNON, VILLAGE [SHIAWASEE CO.]	JULY 11, 1975
260578	VICKSBURG, VILLAGE (KALAMAZOO CO)	OCTOBER 24, 1975
260507	WAKEFIELD, CITY OF (GOGEBIC CO.)	SEPTEMBER 19, 1975
260508	WALES, TOWNSHIP [ST. CLAIR CO.]	AUGUST 08, 1975
260049A	WEESAW, TOWNSHIP OF [BERRIEN CO.]	JUNE 28, 1974 AND SEPTEMBER 03, 1976
260470	WHITE CLOUD, CITY [NEWAYGO CO.]	APRIL 11, 1975
260417	WHITE OAK, TOWNSHIP [INGHAM CO.]	OCTOBER 10, 1975
260349	YALE, CITY [ST. CLAIR CO.]	APRIL 11, 1975
260432	YATES, TOWNSHIP [LAKE CO.]	AUGUST 15, 1975
260541	YORK, TOWNSHIP [WASHTENAW CO.]	JULY 18, 1975

TOTAL IN THE STATE 108

• UNINCORPORATED AREAS ONLY

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
	MINNESOTA	
270492	ALDRICH, CITY OF (WADENA COU)	FEBRUARY 07, 1975
270345A	ASKOV, CITY OF (PINE CO.)	OCTOBER 25, 1974 AND
		AUGUST 29, 1975
270417A	AURORA, CITY OF (ST. LOUIS CO.)	APRIL 05, 1974 AND
		JUNE 25, 1976
270552	AVOCA, CITY (MURRAY CO)	JANUARY 10, 1975
270443A	AVON, CITY OF (STEARNS CO.)	MARCH 29, 1974 AND
		AUGUST 27, 1976
270554	BAUDETTE, CITY OF (LAKE OF THE WOODS CO.)	DECEMBER 27, 1974
270555A	BEJOU, CITY (MAHNOMEN CO)	JANUARY 03, 1975 AND
		MAY 14, 1976
270201	BISCAY, CITY OF (MCLEOD CO.)	NOVEMBER 15, 1974
270556	BLACKDUCK, CITY (BELTRAMI CO)	AUGUST 01, 1975
270333A	BLUFFTON, CITY OF (OTTER TAIL CO.)	AUGUST 09, 1974 AND
		JUNE 25, 1976
270293	BOWLUS, CITY OF (MORRISON CO.)	OCTOBER 25, 1974
270070	BRANCH, CITY OF (CHISAGO CO.)	AUGUST 30, 1974
270319	BREWSTER, CITY (NOBLES CO)	APRIL 25, 1975
270557	BROOK PARK, CITY OF (PINE CO.)	OCTOBER 25, 1974
270306A	BROOKS, CITY OF (RED LAKE CO.)	AUGUST 09, 1974
270191A	BROWNSVILLE, CITY OF (HOUSTON CO.)	OCTOBER 18, 1974 AND
		JULY 02, 1976
270202A	BROWNTON, CITY OF (MCLEOD CO.)	MAY 03, 1974
270294A	BUCKMAN, CITY OF (MORRISON CO.)	AUGUST 09, 1974
270201	CEDAR MILLS, CITY OF (MEEKER)	FEBRUARY 14, 1975
270275	CEYLON, CITY (MARTIN CO)	APRIL 11, 1975
270312A	CHANDLER, CITY OF (MURRAY CO.)	AUGUST 09, 1974 AND
		NOVEMBER 21, 1975
270404A	CHOKIO, CITY OF (STEVENS CO.)	MAY 03, 1974
270604A	CLEAR LAKE, CITY (SHERBURNE CO.)	JANUARY 03, 1975 AND
		SEPTEMBER 12, 1975
270559	CLEARBROOK, CITY OF (CLEARWATER CO.)	NOVEMBER 01, 1974
270500	CLEVELAND, CITY OF (LESUEUR CO.)	DECEMBER 27, 1974
270303A	CLIMAX, CITY OF (POLK CO.)	SEPTEMBER 20, 1974 AND
		JUNE 11, 1976
270024A	CLINTON, CITY OF (BIG STONE CO.)	MAY 17, 1974 AND
		JUNE 04, 1976
270406A	CLONTARF, CITY OF (SWIFT CO.)	JULY 19, 1974
270501	COBDEN, CITY OF (BROWN CO.)	NOVEMBER 01, 1974
270502	COLOGNE, CITY OF (CARVER CO.)	NOVEMBER 01, 1974
270035A	COMFREY, CITY OF (BROWN CO.)	SEPTEMBER 20, 1974 AND
		DECEMBER 26, 1975
270025	CORRELL, CITY (BIG STONE CO)	JANUARY 24, 1975
270202A	COSMOS, CITY OF (MEEKER CO.)	MAY 17, 1974
270314A	COURTLAND, CITY OF (NICOLLET CO.)	JULY 19, 1974
270313A	CURRIE, CITY OF (MURRAY CO.)	AUGUST 02, 1974 AND
		JULY 16, 1976
270309A	CYRUS, CITY OF (POPE CO.)	AUGUST 09, 1974
270395	DANUBE, CITY OF (RENVILLE CO.)	SEPTEMBER 20, 1974

*. UNINCORPORATED AREAS ONLY

MINNESOTA

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED		
270409A	DANVERS, CITY OF [SWIFT CO.]	AUGUST	09, 1974	
270334A	DEER CREEK, CITY OF [OTTER TAIL CO.]	AUGUST	16, 1974	AND
		JUNE	04, 1976	
270470A	DEGRAFF, CITY OF [SWIFT CO.]	AUGUST	09, 1974	AND
		SEPTEMBER	10, 1976	
270117A	DELAVAN, CITY OF [FAIRBAULT CO.]	AUGUST	16, 1974	AND
		JUNE	04, 1976	
270503	DELHI, CITY OF [REDWOOD CO.]	OCTOBER	25, 1974	
270340	DENHAM, CITY [PINE CO.]	JANUARY	24, 1975	
270225	DONALDSON, CITY [KITTSON CO.]	JANUARY	24, 1975	
270506A	DOVER, CITY OF [OLMSTEAD CO.]	NOVEMBER	01, 1974	AND
		OCTOBER	17, 1975	
270059A	EAST GULL LAKE, CITY OF [CASS CO.]	DECEMBER	20, 1974	AND
		OCTOBER	10, 1975	
270283A	EDEN VALLEY, CITY OF [STEARNS CO.]	MAY	03, 1974	AND
		AUGUST	13, 1976	
270320A	ELLSWORTH, CITY OF [NOBLES CO.]	MAY	03, 1974	
270295A	ELMDALE, CITY OF [MORRISON CO.]	AUGUST	09, 1974	
270119A	ELMORE, CITY OF [FAIRBAULT CO.]	MAY	14, 1974	
270657	EMMONS, CITY OF [FREEBORN CO.]	DECEMBER	27, 1974	
270330A	ERHARD, CITY OF [OTTER TAIL CO.]	AUGUST	09, 1974	
270422A	EVELETH, CITY OF [ST. LOUIS CO.]	JUNE	07, 1974	AND
		JULY	16, 1976	
270329A	EYOTA, CITY OF [OLMSTEAD CO.]	APRIL	12, 1974	
270396	FAIRFAX, CITY OF [RENVILLE CO.]	MARCH	29, 1974	
270276A	FAIRMONT, CITY OF [MARTIN CO.]	JUNE	07, 1974	AND
		DECEMBER	12, 1975	
270306A	FISHER, CITY OF [POLK CO.]	AUGUST	02, 1974	
270569	FRANKLIN, CITY [ST. LOUIS CO.]	APRIL	25, 1975	
270570	FRAZEE, CITY OF [BECKER CO.]	NOVEMBER	15, 1974	
270446A	FREEPORT, CITY OF [STEARNS CO.]	MAY	03, 1974	AND
		AUGUST	08, 1975	
270571	FUNKLEY, CITY [BELTRAMI CO.]	JULY	11, 1975	
270136A	GENEVA, CITY OF [FREEBORN CO.]	SEPTEMBER	06, 1974	AND
		JULY	02, 1976	
270276	GENOLA, CITY OF (MORRISON COU)	FEBRUARY	07, 1975	
270439A	GIBBON, CITY OF [SIBLEY CO.]	JUNE	21, 1974	
270068A	GONVICK, CITY OF (CLEARWATER CO.)	AUGUST	23, 1974	AND
		JUNE	04, 1976	
270142B	GOODHUE, CITY OF [GOODHUE CO.]	MAY	24, 1974	AND
		APRIL	23, 1976	
270026A	GRACEVILLE, CITY OF [BIG STONE CO.]	MAY	17, 1974	AND
		NOVEMBER	14, 1975	
270277A	GRANADA, CITY OF [MARTIN CO.]	AUGUST	02, 1974	
270447A	GREENWALD, CITY OF [STEARNS CO.]	AUGUST	23, 1974	AND
		JUNE	11, 1976	
270061A	HACKENSACK, CITY OF [CASS CO.]	SEPTEMBER	20, 1974	
270573	HADLEY, CITY [MURRAY CO.]	APRIL	11, 1975	
270227	HALMA, CITY OF (KITTSON CO)	JANUARY	31, 1975	

• UNINCORPORATED AREAS ONLY

MINNESOTA

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
270574	HANLEY FALLS, CITY (YELLOW MEDICINE CO.)	JULY 11, 1975
270071A	HARRIS, CITY OF (CHISAGO CO.)	SEPTEMBER 20, 1974 AND OCTOBER 24, 1975
270355	HATFIELD, CITY OF (PIPESTONE CO)	JANUARY 31, 1975
270356A	HENNING, CITY OF (OTTER TRAIL CO.)	MAY 03, 1974 AND OCTOBER 31, 1975
270602A	HILL CITY, CITY OF (AITKIN CO.)	NOVEMBER 08, 1974
270409A	HILLS, CITY OF (ROCK CO.)	APRIL 12, 1974
270578A	HOFFMAN, CITY OF (GRANT CO)	JANUARY 31, 1975
270448A	HOLDINGFORD, CITY OF (STEARNS CO.)	MAY 17, 1974
270436	HOLLANDALE, CITY OF (FREEBORN CO.)	SEPTEMBER 20, 1974
270356A	HOLLAND, CITY OF (PIPESTONE CO.)	AUGUST 30, 1974 AND DECEMBER 05, 1975
270471	HOLLOWAY, CITY OF (SWIFT CO.)	SEPTEMBER 06, 1974
270228	HUMBOLDT, CITY OF (KITTSON CO.)	AUGUST 09, 1974
270357A	IHLEN, CITY OF (PIPESTONE CO.)	AUGUST 02, 1974 AND JULY 02, 1976
270235A	INTERNATIONAL FALLS, CITY OF (KOOCHICHING CO.)	JUNE 07, 1974 AND MARCH 26, 1976
270579	IONA, CITY OF (MURRAY CO.)	DECEMBER 20, 1974
270500	IRON JUNCTION, CITY OF (ST. LOUIS CO.)	OCTOBER 25, 1974
270396A	JENKINS, CITY OF (CROW WING CO.)	AUGUST 23, 1974 AND JULY 09, 1976
270205A	KEEWATIN, CITY OF (ITASCA CO.)	MAY 03, 1974
270655	KELLOGG, CITY OF (WABASHA CO)	JANUARY 31, 1975
270543	KENT, CITY (WILKIN CO)	AUGUST 01, 1975
270193A	KENYON, CITY OF (GOODHUE CO.)	MAY 24, 1974 AND JULY 16, 1976
270200A	LA PRAIRIE, CITY OF (ITASCA CO.)	AUGUST 23, 1974 AND OCTOBER 17, 1975
270502A	LAKE SHORE, CITY OF (CASS CO.)	SEPTEMBER 13, 1974 AND DECEMBER 19, 1975
270517A	MADELIA, CITY OF (WATONWAN CO.)	APRIL 12, 1974 AND MAY 28, 1976
270607	MAPLE LAKE, CITY (WRIGHT CO.)	JANUARY 10, 1975
270032A	MAPLETON, CITY (BLUE EARTH CO)	APRIL 25, 1975 AND OCTOBER 03, 1975
270273A	MARIETTA, CITY OF (LAC QUI PARLE CO.)	SEPTEMBER 06, 1974 AND JULY 09, 1976
270053A	MAYER, CITY OF (CARVER CO.)	NOVEMBER 23, 1973
270567	MAYNARD, CITY OF (CHIPPEWA CO.)	NOVEMBER 15, 1974
270467A	MAZEPPA, CITY OF (WABASHA CO.)	JULY 19, 1974
270508	MCINTOSH, CITY OF (POLK CO.)	NOVEMBER 29, 1974
270493B	MENAHGA, CITY OF (WADENA CO.)	APRIL 12, 1974 AND AUGUST 29, 1975 AND JANUARY 30, 1976
270110A	MENDOTA HEIGHTS, CITY OF (DAKOTA CO.)	NOVEMBER 23, 1973 AND APRIL 10, 1976
270109A	MENDOTA, CITY OF (DAKOTA CO.)	FEBRUARY 08, 1974

* UNINCORPORATED AREAS ONLY

MINNESOTA

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
270367A	MENTOR, CITY OF [POLK CO.]	DECEMBER 20, 1974 AND JULY 02, 1976
270270A	MIDDLE RIVER, CITY OF [MARSHALL CO.]	JULY 19, 1974
270114A	MIESVILLE, CITY OF [DAKOTA CO.]	JULY 19, 1974 AND JANUARY 23, 1976
270486A	MILLVILLE, CITY OF [WABASHA CO.]	AUGUST 02, 1974 AND MARCH 26, 1976
270469	MINNEISKA, CITY OF (WABASHA CO.)	JULY 11, 1975
270122A	MINNESOTA LAKE, CITY OF [FARIBAULT CO.]	MAY 17, 1974
270405A	MORRISTOWN, CITY OF [RICE CO.]	MARCH 29, 1974 AND SEPTEMBER 12, 1975
270300A	MOTLEY, CITY OF [MORRISON CO.]	AUGUST 02, 1974 AND DECEMBER 19, 1975
270424	MOUNTAIN IRON, VILLAGE OF [ST. LOUIS CO.]	MAY 24, 1974
270473A	MURDOCK, CITY OF [SWIFT CO.]	AUGUST 23, 1974
270451	NEW MUNICH, CITY OF [STEARNS CO.]	OCTOBER 25, 1974
270497A	NEW RICHLAND, CITY OF [WASECA CO.]	APRIL 12, 1974
270315A	NICOLLET, CITY OF [NICOLLET CO.]	APRIL 05, 1974
270590	NIELSVILLE, CITY OF [POLK CO.]	NOVEMBER 01, 1974
270591	NIMROD, CITY [WADENA CO]	APRIL 18, 1975
270592	NORCROSS, CITY OF [GRANT CO.]	DECEMBER 13, 1974
270072A	NORTH BRANCH, CITY OF [CHISAGO CO.]	MAY 10, 1974 AND APRIL 09, 1976
270512A	OAK PARK HEIGHTS, CITY OF [WASHINGTON CO.]	MARCH 22, 1974 AND APRIL 16, 1976
270594	ODIN, CITY OF [WATONWAN CO.]	DECEMBER 13, 1974
270595	OKABENA, CITY OF [JACKSON CO.]	DECEMBER 27, 1974
270367	OKLEE, CITY [RED LAKE CO]	JULY 11, 1975
270648	ORR, CITY OF [ST. LOUIS CO.]	DECEMBER 13, 1974
270658	OSSEO, CITY [HENNEPIN CO.]	JANUARY 10, 1975
270304A	PALISADE, CITY OF [AITKIN CO.]	AUGUST 02, 1974 AND JUNE 11, 1976
270291A	PEASE, CITY OF [MILLE LACS CO.]	AUGUST 02, 1974 AND FEBRUARY 13, 1976
270120A	PETERSON, CITY OF [FILLMORE CO.]	AUGUST 30, 1974
270063A	PILLAGER, CITY OF [CASS CO.]	JULY 19, 1974
270570	PLATO, CITY OF [MCLEOD CO.]	NOVEMBER 01, 1974
270221	PRINSBURG, CITY OF [KANDIYOHI CO.]	AUGUST 23, 1974
270218A	QUAMBA, CITY OF [KANABEC CO.]	AUGUST 09, 1974
270243A	REGAL, CITY OF [KANDIYOHI CO]	JANUARY 31, 1975 AND FEBRUARY 13, 1976
270365	REMER, CITY [CASS CO]	JULY 11, 1975
270565	REVERE, CITY [REDWOOD CO.]	APRIL 11, 1975
270597	RICE, CITY [BENTON CO]	JANUARY 17, 1975
270453A	RICHMOND, CITY OF [STEARNS CO.]	MARCH 29, 1974
270341	RICHVILLE, CITY OF [OTTER TAIL CO.]	OCTOBER 25, 1974
270021	RONNEBY, CITY [BENTON CO]	JULY 11, 1975
270465A	ROSCOE, CITY OF [STEARNS CO.]	AUGUST 02, 1974 AND JUNE 04, 1976

• UNINCORPORATED AREAS ONLY

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
	MINNESOTA	
270073A	RUSH CITY, CITY OF [CHISAGO CO.]	MAY 10, 1974 AND MARCH 19, 1976
270300A	RUTHTON, CITY OF [PIPESTONE CO.]	AUGUST 09, 1974
270350A	RUTLEDGE, CITY OF [PINE CO.]	AUGUST 09, 1974 AND AUGUST 20, 1976
270402A	SACRED HEART, CITY OF [RENVILLE CO.]	MAY 03, 1974
270346A	SCANLON, CITY OF [CARLTON CO.]	NOVEMBER 02, 1973 AND JULY 09, 1976
270602	SEAFORTH, CITY OF [REDWOOD CO.]	DECEMBER 13, 1974
270494A	SEBEKA, CITY OF [WADENA CO.]	APRIL 12, 1974 AND JULY 11, 1975 AND MAY 28, 1976
270602	SILVER LAKE, CITY [MCLEOD CO.]	JANUARY 24, 1975
270272	SKYLINE, CITY [BLUE EARTH CO.]	JUNE 27, 1975
270208	SQUAW LAKE, CITY [ITASCA CO.]	AUGUST 01, 1975
270352	STURGEON LAKE, CITY OF [PINE CO.]	OCTOBER 25, 1974
270601	ST. ANTHONY, CITY OF [STERNS CO.]	JULY 11, 1975
270033A	ST. CLAIR, CITY OF [BLUE EARTH CO.]	AUGUST 23, 1974
270450A	ST. STEPHEN, CITY OF [STEARNS CO.]	AUGUST 23, 1974
270008B	S. INTERNATIONAL FALLS, CTY [KOOCHICHING CO.]	JANUARY 17, 1975 AND SEPTEMBER 12, 1975 AND JULY 30, 1976
270604	TAOPI, CITY [TOWER CO.]	JANUARY 24, 1975
270200A	TAUNTON, CITY OF [LYON CO.]	JULY 19, 1974 AND NOVEMBER 14, 1975
270347A	THOMSON, CITY OF [CARLTON CO.]	AUGUST 02, 1974 AND JUNE 04, 1976
270605	TOWER, CITY OF [ST. LOUIS CO.]	DECEMBER 13, 1974
270301A	TROSKY, CITY OF [PIPESTONE CO.]	AUGUST 09, 1974 AND JULY 16, 1976
270606	TURTLE RIVER, CITY [BELTRAMI CO.]	AUGUST 01, 1975
270159A	TWIN LAKES, CITY OF [FREEBORN CO.]	AUGUST 02, 1974 AND JUNE 04, 1976
270255	TYLER, CITY OF [LINCOLN CO.]	MAY 03, 1974
270300	UPSALA, CITY OF [MORRISON CO.]	OCTOBER 25, 1974
270607	VERNDALE, CITY OF [WADENA CO.]	OCTOBER 25, 1974
270608	VERNON CENTER, CITY [BLUE EARTH CO.]	JANUARY 03, 1975
270609	VESTA, CITY [REDWOOD CO.]	JANUARY 10, 1975
270496	WALDORF, CITY OF [WASECA CO.]	AUGUST 09, 1974
270197A	WANAMINGO, CITY OF [GOODHUE CO.]	MAY 10, 1974 AND AUGUST 29, 1975
270210A	WARBA, CITY OF [ITASCA CO.]	SEPTEMBER 13, 1974 AND DECEMBER 26, 1975
270200A	WATKINS, CITY OF [MEEKER CO.]	APRIL 12, 1974 AND JULY 02, 1976
270610	WATSON, CITY OF [CHIPPEWA CO.]	DECEMBER 06, 1974
270606	WAVERLY, CITY [WRIGHT CO.]	JANUARY 17, 1975
270279A	WELCOME, CITY OF [MARTIN CO.]	MAY 10, 1974 AND JULY 16, 1976

• UNINCORPORATED AREAS ONLY

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED	
MINNESOTA			
270012	WILLIAMS, CITY OF (LAKE OF THE WOODS CO.)	NOVEMBER 29, 1974	
270013	WINGER, CITY OF (POLK CO)	JANUARY 31, 1975	
270427A	WINTON, CITY OF (ST. LOUIS CO.)	AUGUST 02, 1974	AND
		JULY 02, 1976	
270524A	WOLVERTON, CITY OF (WILKIN CO.)	AUGUST 09, 1974	AND
		DECEMBER 19, 1975	
270015	WOOD LAKE, CITY (YELLOW MEDICINE CO)	JANUARY 17, 1975	
270046A	WRIGHT, CITY OF (CARLTON CO.)	SEPTEMBER 13, 1974	
270211	ZEMPLE, CITY (ITASCA CO.)	JUNE 27, 1975	
	TOTAL IN THE STATE	185	

• UNINCORPORATED AREAS ONLY

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED		
	MISSISSIPPI			
280087	BAY SPRINGS, TOWN [JASPER CO]	AUGUST	01, 1975	
280190A	BRAXTON, VILLAGE OF [SIMPSON CO.]	JULY	19, 1974	AND
		JULY	16, 1976	
280240	CHUNKY, TOWN OF [NEWTON CO.]	DECEMBER	20, 1974	
280220	CLARKE COUNTY •	NOVEMBER	29, 1974	
280188	EDEN, VILLAGE OF [YAZOO CO.]	JULY	19, 1974	
280006	ETHEL, TOWN OF [ATTALA COU]	FEBRUARY	07, 1975	
280117A	GATTMAN, VILLAGE OF [MONROE CO.]	JULY	19, 1974	AND
		AUGUST	13, 1976	
280095A	GEORGETOWN, TOWN OF [COPIAH CO.]	AUGUST	02, 1974	
280093	LAFAYETTE COUNTY •	DECEMBER	27, 1974	
280149A	LAKE, TOWN OF [SCOTT CO.]	JULY	19, 1974	AND
		JUNE	25, 1976	
280204	LENA, TOWN [LEAKE COU]	OCTOBER	25, 1974	
280008	MCCOOL, VILLAGE OF [ATTALA CO]	JANUARY	31, 1975	
280225	MONTICELLO, TOWN OF [LAWRENCE CO.]	DECEMBER	27, 1974	
280096	MT. OLIVE, TOWN [COVINGTON CO]	AUGUST	01, 1975	
280219	PACHUTA, TOWN OF [CLARKE CO.]	NOVEMBER	08, 1974	
280254	PONTOTOC COUNTY •	NOVEMBER	29, 1974	
280147A	PUCKETT, TOWN OF [RANKIN CO.]	AUGUST	23, 1974	AND
		JULY	02, 1976	
280099A	SALLIS, VILLAGE OF [ATTALA CO.]	AUGUST	09, 1974	AND
		JANUARY	30, 1976	
280151	SEBASTOPOL, VILLAGE OF [SCOTT COU]	FEBRUARY	07, 1975	
280249	SEMINARY, VILLAGE OF [COVINGTON CO.]	AUGUST	01, 1975	
280094A	SHUBUTA, TOWN OF [CLARKE CO.]	JUNE	07, 1974	AND
		JUNE	25, 1976	
280260	SILVER CREEK, TOWN OF [LAWRENCE CO.]	JULY	11, 1975	
280203	TOCCOPOLA, TOWN OF [PONTOTOC CO.]	DECEMBER	13, 1974	
280237	UNION COUNTY •	DECEMBER	13, 1974	
280122	UNION, TOWN OF [NEWTON COU]	FEBRUARY	07, 1975	
280096A	WALNUT GROVE, TOWN OF [LEAKE CO]	JUNE	28, 1974	AND
		JULY	16, 1976	
280268	WAYNE COUNTY •	DECEMBER	20, 1974	
280265A	WINSTONVILLE, TOWN OF [BOLIVAR CO.]	JULY	19, 1974	AND
		JUNE	25, 1976	
	TOTAL IN THE STATE	28		

• UNINCORPORATED AREAS ONLY

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
	MISSOURI	
290761	AIRPORT DRIVE, VILLAGE OF (JASPER)	FEBRUARY 14, 1975
290065A	AMAZONIA, TOWN OF (ANDREW CO.)	AUGUST 16, 1974 AND FEBRUARY 06, 1976
290762	AMORET, CITY OF (BATES CO)	FEBRUARY 21, 1975
290217A	ANDERSON, CITY OF (MCDONALD CO.)	MAY 17, 1974 AND DECEMBER 26, 1975
290267	ANNADA, VILLAGE OF (PIKE COU)	FEBRUARY 07, 1975
290249A	ANNISTON, TOWN OF (MISSISSIPPI CO.)	MAY 03, 1974
290261	APPLETON, CITY OF (ST. CLAIR COU)	FEBRUARY 07, 1975
290765	ASBURY, CITY OF (JASPER CO)	FEBRUARY 21, 1975
290461	AUGUSTA, VILLAGE OF (ST. CHARLES CO.)	DECEMBER 06, 1974
290767	BAKERSFIELD, VILLAGE (OZARK CO.)	APRIL 25, 1975
290769	BATES, VILLAGE OF (LAFAYETTE CO.)	AUGUST 08, 1975
290421A	BELL CITY, CITY OF (STODDARD CO.)	OCTOBER 18, 1974 AND NOVEMBER 21, 1975
290770	BEVIER, CITY OF (MACON)	FEBRUARY 14, 1975
290757	BILLINGS, CITY (CHRISTIAN CO.)	JUNE 27, 1975
290758	BISMARCK, CITY OF (ST. FRANCIS COU)	FEBRUARY 07, 1975
290139	BLAND, CITY OF (GASCONADE CO.)	MAY 17, 1974
290772	BLOOMSDALE, CITY (STE. GENEVIEVE CO.)	JULY 11, 1975
290463	BOSWORTH, CITY (CARROLL CO)	JANUARY 17, 1975
290274	BRAGG CITY, CITY OF (PEMISCOT COU)	FEBRUARY 07, 1975
290610	BRASHEAR, CITY OF (ADAIR)	FEBRUARY 14, 1975
290759	BRAYMER, CITY (CALDWELL CO.)	APRIL 25, 1975
290760	BRECKENRIDGE, CITY OF (CALDWELL COU)	FEBRUARY 07, 1975
290739	BUFFALO, CITY (DALLA CO.)	MAY 02, 1975
290111	BUNCETON, CITY OF (COOPER CO.)	APRIL 25, 1975
290119A	BUNKER, TOWN OF (REYNOLDS CO.)	SEPTEMBER 06, 1974 AND APRIL 09, 1976
290620	CAINSVILLE, CITY (HARRISON CO.)	APRIL 25, 1975
290623	CALLAO, CITY OF (MACON)	FEBRUARY 14, 1975
290124A	CAMPBELL, CITY OF (DUNKLIN CO.)	MARCH 29, 1974 AND JUNE 11, 1976
290166A	CARTERVILLE, TOWN OF (JASPER CO.)	DECEMBER 28, 1973 AND FEBRUARY 06, 1976
290625	CENTERTOWN, VILLAGE (COLE CO.)	MAY 02, 1975
290626	CENTERVIEW, CITY (JOHNSON CO.)	APRIL 25, 1975
290303A	CENTER, TOWN OF (CRAIG CO.)	JULY 26, 1973
290627	CHILHOWEE, CITY OF (JOHNSON CO.)	APRIL 25, 1975
290628	CHULA, CITY (LIVINGSTON CO.)	MAY 02, 1975
290630A	CLARKSDALE, CITY OF (DE KALB CO)	FEBRUARY 21, 1975
290629	CLARK, CITY OF (RUDOLPH CO)	FEBRUARY 21, 1975
290599	CLEARMONT, CITY (NODAWAY CO.)	JULY 18, 1975
290628A	COLE CAMP, CITY OF (BENTON CO.)	JUNE 14, 1974
290602	CONCEPTION JUNTION, CITY (NODAWAY CO.)	APRIL 25, 1975
290176A	CONWAY, TOWN OF (LACLEDE CO.)	MAY 10, 1974 AND NOVEMBER 21, 1975
290605	COWGILL, TOWN (CALDWELL CO.)	APRIL 18, 1975

• UNINCORPORATED AREAS ONLY

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
	MISSOURI	
290430A	CRANE, CITY OF (STONE CO.)	JUNE 07, 1974 AND OCTOBER 31, 1975
290610	CROSS TIMBERS, VILLAGE OF (HICKORY CO)	FEBRUARY 21, 1975
290404	DALTON, VILLAGE OF (CHARITON CO.)	DECEMBER 13, 1974
290140	DARLINGTON, VILLAGE OF (GENTRY CO.)	DECEMBER 13, 1974
290717	DEEPWATER, CITY (HENRY CO.)	SEPTEMBER 26, 1975
290355	DELTA, CITY OF (CAPE GIRARDEAU CO.)	DECEMBER 06, 1974
290453	DENVER, VILLAGE OF (WORTH CO.)	NOVEMBER 22, 1974
290613	DES ARC, VILLAGE (IRON CO.)	APRIL 18, 1975
290465A	DEWITT, CITY OF (CARROLL CO.)	SEPTEMBER 06, 1974 AND APRIL 02, 1976
290162A	DUENWEG, CITY OF (JASPER CO.)	MAY 03, 1974 AND OCTOBER 24, 1975
290566	EAGLEVILLE, VILLAGE (HARRISON CO.)	APRIL 18, 1975
290400A	ELLSINORE, CITY OF (CARTER CO.)	OCTOBER 18, 1974 AND NOVEMBER 15, 1975
290219	ELMER, CITY OF (MACON CO.)	DECEMBER 06, 1974
290425A	ESSEX, TOWN OF (STODDARD CO.)	SEPTEMBER 06, 1974 AND DECEMBER 26, 1975
290730	ESTHER, CITY OF (ST. FRANCOIS CO)	FEBRUARY 21, 1975
290591	FAIR GROVE, CITY (GREENE CO.)	JUNE 27, 1975
290292	FARLEY, TOWN (PLATTE CO)	JANUARY 24, 1975
290731	FORSYTH, CITY OF (TANEY COU)	FEBRUARY 07, 1975
290006A	FREEMAN, CITY OF (CASS CO.)	NOVEMBER 08, 1974 AND JANUARY 16, 1976
290477	FREMONT, VILLAGE OF (CARTER CO)	FEBRUARY 21, 1975
290431A	GALENA, CITY OF (STONE CO.)	AUGUST 30, 1974 AND OCTOBER 31, 1975
290733	GALLATIN, CITY OF (DAVIESS)	FEBRUARY 14, 1975
290151A	GALT, CITY OF (GRUNDY CO.)	OCTOBER 18, 1974 AND APRIL 02, 1976
290735	GOLDEN CITY, CITY OF (BARTON CO)	FEBRUARY 21, 1975
290594	GRAHAM, CITY (NODAWAY CO.)	AUGUST 15, 1975
290400	GRANDIN, CITY OF (CARTER CO.)	NOVEMBER 08, 1974
290710	GREENFIELD, CITY (DADE CO.)	APRIL 25, 1975
290590	GREENTOP, CITY OF (SCHYLER CO)	FEBRUARY 21, 1975
290597A	HALE, CITY OF (CARROLL CO)	FEBRUARY 21, 1975
290712	HALLSVILLE, CITY OF (BOONE)	FEBRUARY 14, 1975
290308A	HENRIETTA, CITY OF (RAY CO.)	OCTOBER 18, 1974
290572	HERMITAGE, CITY (HICKORY CO)	APRIL 25, 1975
290575	HOUSTONIA, CITY (PETTIS CO)	SEPTEMBER 19, 1975
290715	HUMANSVILLE, CITY (POLK CO.)	JULY 11, 1975
290577	HUME, CITY OF (BATES CO)	FEBRUARY 21, 1975
290578	HUNNEWELL, CITY OF (SHELBY CO)	FEBRUARY 21, 1975
290580	IRON GATES, VILLAGE (JASPER CO)	FEBRUARY 14, 1975
290721	JAMESPORT, CITY OF (DAVIESS COU)	FEBRUARY 07, 1975
290722	JASPER, CITY OF (JASPER CO)	FEBRUARY 21, 1975
290724	KNOB NOSTER, CITY (JOHNSON CO.)	JUNE 27, 1975
290200A	KOSHKONONG, CITY OF (OREGON CO.)	SEPTEMBER 06, 1974 AND

* UNINCORPORATED AREAS ONLY

MISSOURI

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
290690	LA BELLE, CITY OF (LEWIS)	DECEMBER 12, 1975
290703	LA PALTA, CITY OF (MACON)	FEBRUARY 14, 1975
290152A	LAREDO, CITY OF (GRUNDY CO.)	FEBRUARY 14, 1975
290560	LEADINGTON, VILLAGE (ST. FRANCOIS CO)	OCTOBER 18, 1974
290561	LEASBURG, VILLAGE OF (CRAWFORD CO)	APRIL 18, 1975
290707	LEXINGTON, CITY (LAFAYETTE CO.)	JANUARY 31, 1975
290053A	LINN CREEK, CITY OF (CAMDEN CO.)	JULY 25, 1975
		OCTOBER 25, 1974 AND
		NOVEMBER 28, 1975
290115	LOCK SPRINGS, TOWN (DAVIESS CO)	JULY 11, 1975
290062A	LURAY, VILLAGE OF (CLARK CO.)	OCTOBER 18, 1974 AND
		OCTOBER 31, 1975
290031A	LUTESVILLE, CITY OF (BOLLINGER CO.)	MAY 10, 1974 AND
		DECEMBER 19, 1975
290505	MARQUAND, CITY (MADISON CO)	APRIL 18, 1975
290444A	MARTHASVILLE, VILLAGE OF (WARREN CO.)	SEPTEMBER 13, 1974
290369A	MARY RIDGE, VILLAGE OF (ST. LOUIS CO.)	APRIL 05, 1974 AND
		DECEMBER 26, 1975
290666	MAYSVILLE, CITY (DE KALB CO.)	JULY 25, 1975
290500	MEADVILLE, CITY (LINN CO)	APRIL 25, 1975
290567A	MERCER, CITY (MERCER CO)	APRIL 04, 1975
290271A	META, TOWN OF (OSAGE CO.)	SEPTEMBER 13, 1974 AND
		NOVEMBER 28, 1975
290499	MILL SPRING, VILLAGE OF (WAYNE CO.)	DECEMBER 13, 1974
290570	MINDENMINES, CITY (BARTON CO)	APRIL 18, 1975
290571	MINERAL POINT, VILLAGE (WASHINGTON CO)	AUGUST 08, 1975
290207	MONTICELLO, VILLAGE OF (LEWIS CO.)	DECEMBER 27, 1974
290690	MONTROSE, CITY (HENRY CO.)	APRIL 18, 1975
290405A	NELSON, CITY OF (SALINE CO.)	OCTOBER 18, 1974 AND
		DECEMBER 26, 1975
290548	NEW BLOOMFIELD, CITY (CALLAWAY CO)	MAY 02, 1975
290549	NEW CAMBRIA, CITY (MACON CO)	JULY 25, 1975
290550	NEW HAMPTON, CITY (HARRISON CO)	AUGUST 08, 1975
290078A	NIXA, CITY OF (CHRISTIAN CO)	JUNE 28, 1974 AND
		JANUARY 16, 1976
290218A	NOEL, TOWN OF (MCDONALD CO.)	MAY 24, 1974 AND
		NOVEMBER 14, 1975
290059A	NORBORNE, CITY OF (CARROLL CO.)	APRIL 05, 1974
290293A	NORTHMOOR, TOWN OF (PLATTE CO.)	JULY 19, 1974 AND
		NOVEMBER 14, 1975
290670	OREGON, CITY (HOLT CO.)	JULY 18, 1975
290555	OSBORN, CITY (CLINTON CO)	JULY 18, 1975
290556	OTTERVILLE, CITY (COOPER CO)	APRIL 25, 1975
290224A	PALMYRA, CITY OF (MARION CO.)	MARCH 29, 1974 AND
		JULY 18, 1975.
290533	PARNELL, CITY (NODAWAY CO)	MAY 02, 1975
290676	PERRY, CITY OF (RALLS CO)	FEBRUARY 14, 1975
290535	PINEVILLE, CITY (MCDONALD CO)	APRIL 18, 1975
290426A	PUXICO, TOWN OF (STODDARD CO.)	MARCH 08, 1974 AND

• UNINCORPORATED AREAS ONLY

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
	MISSOURI	
290541	RAVENWOOD, CITY (NODAWAY CO)	JULY 02, 1976
290542	RAYMONDVILLE, VILLAGE OF (TEXAS)	JUNE 27, 1975
290655	RICH HALL, CITY OF (BATES)	FEBRUARY 14, 1975
290485	RITCHEY, TOWN (NEWTON CO)	FEBRUARY 14, 1975
290361A	RIVERVIEW, CITY OF (ST. LOUIS CO)	JANUARY 10, 1975
		JUNE 28, 1974 AND
		NOVEMBER 14, 1975
290438	ROCKAWAY BEACH, TOWN(TANEY CO)	JANUARY 10, 1975
290518	ROCKVILLE, CITY OF (BATES CO)	FEBRUARY 21, 1975
290308	ROSENDALE, CITY OF (ANDREW)	FEBRUARY 14, 1975
290003	SALISBURY, CITY OF (CHARITON COU)	FEBRUARY 07, 1975
290519	SCHELL CITY, CITY (VERNON CO)	APRIL 18, 1975
290521	SELIGMAN, CITY (BARRY CO)	APRIL 25, 1975
290005	SHELBINA, CITY (SHELBY CO.)	APRIL 25, 1975
290000	SHELBYVILLE, CITY (SHELBY CO.)	APRIL 18, 1975
290522	SHELDON, CITY OF (VERNON CO)	JANUARY 31, 1975
290467A	SHOAL CREEK DRIVE, TOWN OF (NEWTON CO.)	AUGUST 16, 1974
290177A	SIBLEY, VILLAGE OF (JACKSON CO.)	AUGUST 30, 1974 AND
		JANUARY 16, 1976
290212A	SILEX, VILLAGE OF (LINCOLN CO.)	NOVEMBER 22, 1974 AND
		DECEMBER 05, 1975
290530	SPICKARD, CITY OF (GRUNDY COU)	FEBRUARY 07, 1975
290406	STELLA, CITY OF (NEWTON CO)	FEBRUARY 21, 1975
290135A	ST. CLAIR, TOWN OF (FRANKLIN CO.)	APRIL 12, 1974 AND
		DECEMBER 05, 1975
290002	ST. ROBERT, CITY OF (PULASKI COU)	FEBRUARY 07, 1975
290507	SUMMERSVILLE, CITY OF (SHANNON & TEXAS CO)	JANUARY 31, 1975
290076	SUMNER, TOWN (CHARITON CO)	JANUARY 10, 1975
290640	TIPTON, CITY (MONITEAU CO.)	JANUARY 17, 1975
290228A	TUSCUMBIA, VILLAGE OF (MILLER CO.)	OCTOBER 25, 1974 AND
		NOVEMBER 21, 1975
290514	URBANA, VILLAGE (DALLAS CO)	JUNE 27, 1975
290646	VIBURNUM, CITY OF (IRON CO)	FEBRUARY 21, 1975
290633	WARDSVILLE, CITY (COLE CO.)	JULY 11, 1975
290078	WARRENTON, CITY OF (WARREN COU)	FEBRUARY 07, 1975
290324	WASHBURN, TOWN (BARRY CO)	JANUARY 10, 1975
290644	WAVERLY, CITY OF (LAFAYETTE CO.)	JULY 11, 1975
290091	WELLINGTON, CITY (LAFAYETTE CO.)	SEPTEMBER 19, 1975
290483	WENTWORTH, TOWN (NEWTON CO)	JANUARY 10, 1975
290635	WESTBORO, VILLAGE (ATCHISON CO.)	JULY 11, 1975
290452A	WILLIAMSVILLE, CITY OF (WAYNE CO.)	OCTOBER 18, 1974 AND
		MARCH 05, 1976
290654A	WRIGHT CITY, CITY OF (WARREN COU)	FEBRUARY 07, 1975 AND
		NOVEMBER 14, 1975
290085A	WYACONDA, CITY OF (CLARK CO.)	OCTOBER 18, 1974 AND
		NOVEMBER 14, 1975
290033A	ZALMA, VILLAGE OF (BOLLINGER CO.)	OCTOBER 25, 1974 AND
		NOVEMBER 07, 1975

• UNINCORPORATED AREAS ONLY

MISSOURI

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
TOTAL IN THE STATE		158

• UNINCORPORATED AREAS ONLY

COMMUNITY NUMBER	NAME		HAZARD AREA IDENTIFIED		
	MONTANA				
300099A	ALBERTON, TOWN	[MINERAL CO.]	JUNE	27, 1975	
300000	BAINVILLE, TOWN	[ROOSEVELT CO.]	JANUARY	03, 1975	
300012A	BIG SANDY, TOWN OF	[CHOUTEAU CO.]	MARCH	29, 1974	
300090	BROCKTON, TOWN	[ROOSEVELT CO.]	JUNE	27, 1975	
300107A	CASCADE, CITY OF	(CASCADE)	FEBRUARY	14, 1975	
300091	CLYDE PARK, TOWN	[PARK CO.]	JANUARY	03, 1975	
300020	DENTON, TOWN OF	[FERGUS CO.]	DECEMBER	27, 1974	
300055	DODSON, TOWN OF	[PHILLIPS CO.]	DECEMBER	27, 1974	
300092	DUTTON, TOWN	[TETON CO.]	APRIL	25, 1975	
300094A	FAIRVIEW, TOWN OF	[RICHLAND CO.]	AUGUST	16, 1974	AND
			MAY	14, 1976	
300070A	FORSYTH, CITY OF	[ROSEBUD CO.]	MARCH	08, 1974	AND
			JANUARY	16, 1976	
300013A	FORT BENTON, CITY OF	[CHOUTEAU CO.]	MAY	10, 1974	AND
			NOVEMBER	28, 1975	
300093	FROID, TOWN	[ROOSEVELT CO.]	APRIL	18, 1975	
300001	GLASGOW, CITY OF	[VALLEY CO.]	JANUARY	09, 1974	
300021	GRASS RANGE, TOWN OF	[FERGUS CO.]	DECEMBER	27, 1974	
300095	HINGHAM, TOWN	[HILL CO.]	JULY	11, 1975	
300000	JOLIET, TOWN OF	[CARBON CO.]	DECEMBER	27, 1974	
300110	JORDAN, TOWN	[GARFIELD CO.]	JUNE	27, 1975	
300090	KEVIN, TOWN	[TOOLE CO.]	JUNE	27, 1975	
300031	LAVINA, TOWN	[GOLDEN VALLEY CO.]	JANUARY	24, 1975	
300100	MOORE, TOWN	[FERGUS CO.]	AUGUST	06, 1975	
300074A	PLAINS, TOWN OF	[SANDERS CO.]	MARCH	22, 1974	AND
			DECEMBER	19, 1975	
300119	POLSON, CITY	[LAKE CO.]	SEPTEMBER	26, 1975	
300122	RONAN, CITY	[LAKE CO.]	APRIL	25, 1975	
300009	ROSEBUD COUNTY •		AUGUST	02, 1974	
300149A	SCOBEY, CITY	[DANIELS CO.]	JULY	18, 1975	
300126	SHERIDAN, TOWN	[MADISON CO.]	SEPTEMBER	19, 1975	
300037A	STANFORD, TOWN OF	[JUDITH BASIN CO.]	JUNE	28, 1974	
300123	ST. IGNATIUS, TOWN OF	(LAKE)	FEBRUARY	14, 1975	
300127	SUNBURST, TOWN	[TOOLE CO.]	JANUARY	10, 1975	
300128	SUPERIOR, TOWN	[MINERAL CO.]	MAY	02, 1975	
300130	THOMPSON FALLS, TOWN OF	[SANDERS CO.]	FEBRUARY	07, 1975	
300134	WALKERVILLE, CITY	[SILVER BOW CO.]	JULY	18, 1975	
300104	WESTBY, TOWN	[SHERIDAN CO.]	AUGUST	15, 1975	
300047A	WHITE SULPHUR SPRINGS, CITY OF	[MEAGER CO.]	MAY	24, 1974	AND
			JANUARY	16, 1976	
300052	WINNETT, TOWN OF	[PETROLEUM CO.]	DECEMBER	27, 1974	
	TOTAL IN THE STATE		36		

• UNINCORPORATED AREAS ONLY

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
	NEBRASKA	
310243	ALEXANDRIA, VILLAGE OF (THAYER CO.)	SEPTEMBER 12, 1975
310341	ARAPAHOE, CITY OF (FURNAS CO.)	JULY 25, 1975
310342	ARNOLD, VILLAGE OF (CUSTER CO.)	AUGUST 15, 1975
310300	ARTHUR, VILLAGE OF (ARTHUR CO.)	JANUARY 10, 1975
310240	ASHTON, VILLAGE OF (SHERMAN CO.)	JULY 11, 1975
310247	AVOCA, VILLAGE OF (CASS CO.)	JULY 11, 1975
310246	BARTLEY, VILLAGE OF (RED WILLOW CO.)	JULY 25, 1975
310348	BEAVER CITY, CITY OF (FURNAS CO.)	JULY 11, 1975
310249	BELGRADE, VILLAGE OF (NANCE CO.)	MAY 02, 1975
310320	BELLWOOD, VILLAGE OF (BUTLER CO.)	NOVEMBER 22, 1974
310250	BENEDICT, VILLAGE OF (YORK CO.)	APRIL 18, 1975
310349	BENKELMAN, CITY OF (DUNDY CO.)	AUGUST 08, 1975
310300	BIG SPRINGS, VILLAGE OF (DEUEL CO.)	DECEMBER 20, 1974
310252	BLADEN, VILLAGE OF (WEBSTER CO.)	JULY 11, 1975
310253	BRUNING, VILLAGE OF (THAYER CO)	JANUARY 31, 1975
310109	BURCHARD, VILLAGE OF (PAWNEE CO.)	NOVEMBER 08, 1974
310101	BURR, VILLAGE OF (LOTTE CO.)	DECEMBER 06, 1974
310355	CALLAWAY, VILLAGE OF (CUSTER CO.)	SEPTEMBER 19, 1975
310256	CAMPBELL, VILLAGE OF (FRANKLIN CO.)	AUGUST 22, 1975
310257	CARROLL, VILLAGE OF (WAYNE CO)	JANUARY 31, 1975
310258	CEDAR RAPIDS, VILLAGE OF (BOONE CO.)	JANUARY 10, 1975
310359	CLARKSON, CITY OF (COLFAX CO.)	JANUARY 17, 1975
310040A	CLAY CENTER, CITY OF (CLAY CO.)	MARCH 22, 1974
310123A	COOK, VILLAGE OF (JOHNSON CO.)	OCTOBER 18, 1974 AND NOVEMBER 28, 1975
310207	DAVENPORT, VILLAGE OF (THAYER CO.)	JULY 11, 1975
310208	DAWSON, VILLAGE OF (RICHARDSON CO.)	JULY 11, 1975
310041	DEWEESE, VILLAGE OF (CLAY CO.)	NOVEMBER 08, 1974
310209	DILLER, VILLAGE OF (JEFFERSON CO.)	AUGUST 29, 1975
310270	DIX, VILLAGE OF (KIMBALL CO.)	SEPTEMBER 26, 1975
310303	DODGE, VILLAGE OF (DODGE CO.)	AUGUST 15, 1975
310307	DUNNING, VILLAGE OF (BLAINE CO.)	DECEMBER 20, 1974
310273	DWIGHT, VILLAGE OF (BUTLER CO.)	JULY 18, 1975
310300	EDDYVILLE, VILLAGE OF (DAWSON CO.)	NOVEMBER 29, 1974
310125A	ELK CREEK, VILLAGE OF (JOHNSON CO.)	NOVEMBER 01, 1974 AND NOVEMBER 21, 1975
310304	ELMWOOD, VILLAGE OF (CASS CO.)	AUGUST 29, 1975
310305	ELWOOD, VILLAGE OF (GOSPER CO.)	SEPTEMBER 05, 1975
310276	EUSTIS, VILLAGE OF (FRONTIER CO.)	SEPTEMBER 19, 1975
310114A	EWING, VILLAGE OF (HOLT CO.)	MAY 03, 1974 AND MAY 14, 1976
310277	FAIRFIELD, CITY OF (CLAY CO.)	AUGUST 22, 1975
310367	FAIRMONT, CITY OF (FILLMORE CO.)	SEPTEMBER 12, 1975
310001A	FARNAM, VILLAGE OF (DAWSON CO.)	NOVEMBER 08, 1974 AND DECEMBER 05, 1975
310278	GILTNER, VILLAGE OF (HAMILTON CO.)	APRIL 25, 1975
310279	GLENVIL, VILLAGE OF (CLAY CO.)	JULY 18, 1975
310373	GREELEY, VILLAGE OF (GREELEY CO.)	JULY 11, 1975
310374	GREENWOOD, VILLAGE OF (CASS CO.)	SEPTEMBER 26, 1975

• UNINCORPORATED AREAS ONLY

NEBRASKA

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED		
310200	GURLEY, VILLAGE OF [CHEYENNE CO.]	JULY	18, 1975	
310201	HAIGLER, VILLAGE OF [DUNDY CO.]	AUGUST	15, 1975	
310376	HARTINGTON, CITY OF [CEDAR CO.]	SEPTEMBER	26, 1975	
310215A	HAY SPRINGS, CITY OF [SHERIDAN CO.]	MARCH	22, 1974	AND
		NOVEMBER	07, 1975	
310377A	HEMINGFORD, VILLAGE OF [BOX BUTTE CO.]	AUGUST	08, 1975	
310267	HOLBROOK, VILLAGE OF [FURNAS CO.]	JULY	11, 1975	
310266	HOLSTEIN, VILLAGE OF [ADAMS CO.]	JULY	18, 1975	
310300	HOWELLS, VILLAGE OF [COLFAX CO.]	JANUARY	17, 1975	
310301A	HUMPHREY, VILLAGE OF [PLATTE CO.]	JULY	11, 1975	AND
		OCTOBER	03, 1975	
310292	JACKSON, VILLAGE OF [DAKOTA CO.]	DECEMBER	20, 1974	
310293	JUNIATA, VILLAGE OF [ADAMS CO.]	JANUARY	17, 1975	
310297	LEWELLEN, VILLAGE OF [GARDEN CO.]	JANUARY	10, 1975	
310177A	LINDSAY, VILLAGE OF [PLATTE CO.]	NOVEMBER	08, 1974	AND
		DECEMBER	05, 1975	
310290	LONG PINE, CITY OF [BROWN CO.]	AUGUST	08, 1975	
310307	LYMAN, VILLAGE OF [SCOTTS BLUFF CO.]	APRIL	25, 1975	
310085	MAYWOOD, VILLAGE OF [FRONTIER CO.]	DECEMBER	20, 1974	
310302	MERNA, VILLAGE OF [CUSTER CO.]	MAY	02, 1975	
310304	MONROE, VILLAGE OF [PLATTE CO.]	AUGUST	29, 1975	
310391	MORRILL, VILLAGE OF [SCOTTS BLUFF CO.]	AUGUST	15, 1975	
310156A	NEMAHA, VILLAGE OF [NEMAHA CO.]	AUGUST	30, 1974	AND
		MAY	14, 1976	
310070A	NICKERSON, TOWN OF [DODGE CO.]	JANUARY	23, 1974	
310159	OAK, VILLAGE OF [NUCKOLLS CO.]	NOVEMBER	15, 1974	
310081	ONIONA, VILLAGE OF [FILLMORE CO.]	NOVEMBER	08, 1974	
310044	ONG, VILLAGE OF [CLAY CO.]	NOVEMBER	08, 1974	
310396	OXFORD, VILLAGE OF [FURNAS-HARLAN CO.]	MAY	02, 1975	
310307	PALMER, VILLAGE OF [MERRICK CO.]	JUNE	27, 1975	
310165A	PALMYRA, VILLAGE OF [OTOE CO.]	SEPTEMBER	06, 1974	AND
		DECEMBER	26, 1975	
310216	PILGER, VILLAGE OF [STANTON CO.]	DECEMBER	06, 1974	
310309	PLEASANT DALE, VILLAGE OF [SEWARD CO.]	JULY	11, 1975	
310310	POLK, VILLAGE OF [POLK CO.]	JUNE	27, 1975	
310067A	PONCA, CITY OF [DIXON CO.]	APRIL	12, 1974	AND
		JANUARY	23, 1976	
310311	POTTER, VILLAGE OF [CHEYENNE CO.]	SEPTEMBER	05, 1975	
310202A	PRAGUE, VILLAGE OF [SAUNDERS CO.]	NOVEMBER	15, 1974	AND
		DECEMBER	26, 1975	
310397	RANDOLPH, CITY OF [CEDAR CO.]	APRIL	25, 1975	
310138A	RAYMOND, VILLAGE OF [LANCASTER CO.]	OCTOBER	18, 1974	AND
		DECEMBER	12, 1975	
310312	RISING CITY, VILLAGE OF [BUTLER CO.]	JULY	11, 1975	
310139	ROCA, VILLAGE OF [LANCASTER CO.]	NOVEMBER	29, 1974	
310313	ROSALIE, VILLAGE OF [THURSTON CO.]	APRIL	25, 1975	
310314	ROSELAND, VILLAGE OF [ADAMS CO.]	JULY	18, 1975	
310214A	RUSHVILLE, CITY OF [SHERIDAN CO.]	MAY	03, 1974	AND
		APRIL	02, 1976	

* UNINCORPORATED AREAS ONLY

NEBRASKA

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
310315	RUSKIN, VILLAGE OF (NUCKOLLS CO)	JANUARY 31, 1975
310316	SCOTIA, VILLAGE (GREELEY CO.)	MAY 02, 1975
310317	SHICKLEY, VILLAGE OF (FILLMORE CO.)	MAY 02, 1975
310318	SHUBERT, VILLAGE (RICHARDSON CO.)	JULY 18, 1975
310396	SPALDING, VILLAGE (GREELEY CO.)	JANUARY 10, 1975
310320	SPRINGVIEW, VILLAGE (KEYA PAHA CO.)	JULY 11, 1975
310322	STAPLEHURST, VILLAGE (SEWARD CO.)	JANUARY 10, 1975
310323	STAPLETON, VILLAGE OF (LOGAN CO)	FEBRUARY 21, 1975
310171	STEINAUER, VILLAGE OF (PAWNEE CO.)	NOVEMBER 22, 1974
310324	STELLA, VILLAGE (RICHARDSON CO.)	JULY 11, 1975
310106	STOCKHAM, VILLAGE OF (HAMILTON CO.)	DECEMBER 06, 1974
310172	TABLE ROCK, VILLAGE OF (PAWNEE CO.)	NOVEMBER 01, 1974
310326	THEDFORD, VILLAGE (THOMAS CO.)	JULY 11, 1975
310328	UPLAND, VILLAGE (FRANKLIN CO.)	JULY 11, 1975
310403	VALENTINE, CITY (CHERRY CO.)	JULY 11, 1975
310330	VERDON, VILLAGE (RICHARDSON CO.)	SEPTEMBER 26, 1975
310331	WACO, VILLAGE (YORK CO.)	MAY 02, 1975
310404	WAKEFIELD, CITY (DIXON-WAYNE COS.)	AUGUST 29, 1975
310332	WALLACE, VILLAGE (LINCOLN CO.)	JULY 25, 1975
310405	WAUSA, VILLAGE (KNOX CO.)	AUGUST 08, 1975
310205A	WESTON, VILLAGE OF (SAUNDERS CO.)	OCTOBER 18, 1974 AND FEBRUARY 20, 1976
310336	WINSIDE, VILLAGE (WAYNE CO.)	JULY 18, 1975
310049A	WISNER, TOWN OF (CUMING CO.)	DECEMBER 07, 1973 AND SEPTEMBER 03, 1976
310337	WYNOT, VILLAGE (CEDAR CO.)	APRIL 25, 1975

TOTAL IN THE STATE 109

• UNINCORPORATED AREAS ONLY

NEW HAMPSHIRE

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
330152	ACWORTH, TOWN OF (SULLIVAN CO.)	SEPTEMBER 13, 1974
330174	ALBANY, TOWN (CARROLL CO.)	JANUARY 17, 1975
330041	ALEXANDRIA, TOWN OF (GRAFTON CO.)	FEBRUARY 21, 1975
330175	ATKINSON, TOWN (ROCKINGHAM CO.)	JANUARY 03, 1975
330176	AUBURN, TOWN OF (ROCKINGHAM CO.)	FEBRUARY 28, 1975
330177	BARNSTEAD, TOWN (BELKNAP CO.)	JANUARY 03, 1975
330180	BROOKLINE, TOWN (HILLSBOROUGH CO.)	APRIL 04, 1975
330126	CANDIA, TOWN OF (ROCKINGHAM CO.)	FEBRUARY 21, 1975
330030	CARROLL, TOWN (COOS CO.)	JANUARY 24, 1975
330181	CHATHAM, TOWN (CARROLL CO.)	JANUARY 03, 1975
330182	CHESTER, TOWN OF (ROCKINGHAM CO.)	FEBRUARY 21, 1975
330189	CHICHESTER, TOWN OF (MERRIMACK CO.)	APRIL 05, 1974
330184	CLARKSVILLE, TOWN (COOS CO.)	JANUARY 03, 1975
330185	COLUMBIA, TOWN (COOS CO.)	JANUARY 03, 1975
330190	CROYDON, TOWN OF (SULLIVAN CO.)	NOVEMBER 29, 1974
330199	DANVILLE, TOWN (ROCKINGHAM CO.)	JANUARY 17, 1975
330050	DORCHESTER, TOWN (GRAFTON CO.)	MARCH 14, 1975
330201	DUMMER, TOWN (COOS CO.)	JANUARY 17, 1975
330202	DUNBARTON, TOWN (MERRIMACK CO.)	JANUARY 17, 1975
330204	EATON, TOWN (CARROLL CO.)	JANUARY 17, 1975
330212	EFFINGHAM, TOWN (CARROL CO.)	JANUARY 17, 1975
330112	EPSOM, TOWN OF (MERRIMACK CO.)	MARCH 15, 1974
330260	ERROL, TOWN (COOS CO.)	JANUARY 17, 1975
330043A	FREEDOM, TOWN OF (CARROLL CO.)	AUGUST 30, 1974 AND AUGUST 13, 1976
330131	FREMONT, TOWN OF (ROCKINGHAM CO.)	AUGUST 09, 1974
330266	GILMANTON, TOWN (BELKNAP CO.)	JANUARY 17, 1975
330054	GRAFTON, TOWN (GRAFTON CO.)	JANUARY 17, 1975
330209	GREENFIELD, TOWN (HILLSBOROUGH CO.)	APRIL 04, 1975
330212	HARRISVILLE, TOWN (CHESHIRE CO.)	JANUARY 24, 1975
330114	HENNIKER, TOWN OF (MERRIMACK CO.)	MARCH 15, 1974
330214	HILL, TOWN OF (MERRIMACK CO.)	FEBRUARY 07, 1975
330092	HUDSON, TOWN OF (HILLSBOROUGH CO.)	MARCH 08, 1974
330215	JAFFREY, TOWN (CHESHIRE CO.)	JANUARY 24, 1975
330053A	JEFFERSON, TOWN OF (COOS CO.)	FEBRUARY 21, 1975 AND SEPTEMBER 10, 1976
330217	KINGSTON, TOWN (ROCKINGHAM CO.)	JANUARY 17, 1975
330060	LANDAFF, TOWN OF (GRAFTON CO.)	DECEMBER 06, 1974
330159	LANGDON, TOWN (SULLIVAN CO.)	JANUARY 03, 1975
330160	LEMPSTER, TOWN OF (SULLIVAN CO.)	JANUARY 31, 1975
330062	LINCOLN, TOWN OF (GRAFTON CO.)	FEBRUARY 21, 1975
330117	LOUDON, TOWN OF (MERRIMACK CO.)	AUGUST 02, 1974
330218	LYNDEBOROUGH, TOWN OF (HILLSBOROUGH CO.)	FEBRUARY 21, 1975
330219	MADBURY, TOWN (STRAFFORD CO.)	JANUARY 17, 1975
330220	MADISON, TOWN (CARROLL CO.)	JANUARY 17, 1975
330221	MASON, TOWN OF (HILLSBOROUGH CO.)	FEBRUARY 21, 1975
330222	MIDDLETON, TOWN OF (STRAFFORD CO.)	JANUARY 31, 1975
330035	MILAN, TOWN OF (COOS CO.)	JUNE 28, 1974

• UNINCORPORATED AREAS ONLY

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED	
	NEW HAMPSHIRE		
330149	MILTON, TOWN OF (STRAFFORD COU)	FEBRUARY 07, 1975	
330066	MONROE, TOWN OF (GRAFTON CO.)	NOVEMBER 29, 1974	
330224	MOUNT VERNON, TOWN (HILLSBOROUGH CO)	JANUARY 17, 1975	
330227	NEW DURHAM, TOWN OF (STRAFFORD COU)	FEBRUARY 07, 1975	
330229	NEWINGTON, TOWN OF (ROCKINGHAM CO)	FEBRUARY 21, 1975	
330137	NOTTINGHAM, TOWN OF (ROCKINGHAM CO)	JUNE 28, 1974	
330069	ORANGE, TOWN (GRAFTON CO)	JANUARY 10, 1975	
330180	PITTSBURG, TOWN OF (COOS CO.)	JANUARY 31, 1975	
330107	RANDOLPH, TOWN (COOS CO)	JANUARY 03, 1975	
330108	RICHMOND, TOWN (CHESHIRE CO)	JANUARY 03, 1975	
330189	RINDGE, TOWN (CHESHIRE CO)	APRIL 04, 1975	
330190	ROLLINSFORD, TOWN (STRAFFORD CO)	JANUARY 03, 1975	
330172	ROXBURY, TOWN OF (CHESIRE)	FEBRUARY 14, 1975	
330073	RUMNEY, TOWN OF (GRAFTON CO.)	MARCH 15, 1974	
330191	SANDOWN, TOWN (ROCKINGHAM CO)	JANUARY 03, 1975	
330143	SEABROOK, TOWN OF (ROCKINGHAM CO.)	AUGUST 02, 1974	
330193	SOUTH HAMPTON, TOWN OF (ROCKINGHAM CO)	FEBRUARY 28, 1975	
330194	STEWARTSTOWN, TOWN (COOS CO)	JANUARY 10, 1975	
330195	STODDARD, TOWN (CHESCHIRE CO)	JANUARY 17, 1975	
330197	STRATHAM, TOWN OF (ROCKINGHAM CO)	FEBRUARY 28, 1975	
330170A	SURRY, TOWN (CHESHIRE CO)	JANUARY 03, 1975	AND
		SEPTEMBER 03, 1976	
330173A	TROY, TOWN (CHESHIRE CO)	JANUARY 03, 1975	AND
		JULY 23, 1976	
330105	UNITY, TOWN OF (SULLIVAN CO.)	MAY 31, 1974	
330019A	WAKEFIELD, TOWN OF (CARROLL CO.)	JULY 26, 1974	AND
		JUNE 25, 1976	
330108	WARREN, TOWN OF (GRAFTON CO.)	SEPTEMBER 13, 1974	
330100A	WASHINGTON, TOWN OF (SULLIVAN CO.)	DECEMBER 27, 1974	AND
		AUGUST 27, 1976	
330235	WEARE, TOWN OF (HILLSBOROUGH)	FEBRUARY 14, 1975	
330040	WHITEFIELD, TOWN OF (COOS CO.)	JULY 26, 1974	
330124	WILMOT, TOWN OF (MERRIMACK CO.)	AUGUST 16, 1974	
330239	WOLFEBORO, TOWN (CARROLL CO)	JANUARY 17, 1975	
	TOTAL IN THE STATE	76	

• UNINCORPORATED AREAS ONLY

COMMUNITY NUMBER	NEW JERSEY NAME	HAZARD AREA IDENTIFIED
340122A	AUDUBON PARK, BOROUGH OF [CAMDEN CO.]	JUNE 21, 1974
340529A	GREEN, TOWNSHIP OF [SUSSEX CO.]	NOVEMBER 01, 1974 AND MAY 14, 1976
340345A	KINNELON, BOROUGH OF [MORRIS CO.]	JULY 13, 1973
340540	MENDHAM, BOROUGH OF (NORRIS CO.) [MORRIS CO.]	JANUARY 31, 1975
340212A	SOUTH HARRISON, TOWNSHIP OF [GLOUCESTER CO.]	JUNE 28, 1974 AND JULY 02, 1976
340553	TABERNACLE, TOWNSHIP OF (BURLINGTON COU)	FEBRUARY 07, 1975
340544	TAVISTOCK, BOROUGH OF [CAMDEN CO.]	NOVEMBER 29, 1974
340479A	WINFIELD, TOWNSHIP OF [UNION CO.]	MARCH 06, 1974 AND OCTOBER 17, 1975

TOTAL IN THE STATE 8

• UNINCORPORATED AREAS ONLY

COMMUNITY NUMBER	NAME	NEW MEXICO	HAZARD AREA IDENTIFIED		
350110	CARRIZOZO, TOWN (LINCOLN CO.)		AUGUST	22, 1975	
350350A	CHAMA, VILLAGE OF (RIO ARRIBA CO.)		AUGUST	16, 1974	AND
			DECEMBER	12, 1975	
350111	CLOUDCROFT, VILLAGE (OTERO CO.)		JUNE	27, 1975	
350037	COLUMBUS, VILLAGE OF (LUNA CO.)		DECEMBER	13, 1974	
350100	DES MOINES, VILLAGE (UNION CO.)		JULY	11, 1975	
350112A	DEXTER, TOWN (CHAVES CO.)		MAY	02, 1975	AND
			SEPTEMBER	17, 1976	
350114	LOVING, VILLAGE (EDDY CO.)		AUGUST	08, 1975	
350370A	MAGDALENA, VILLAGE OF (SOCORRO CO.)		AUGUST	02, 1974	AND
			FEBRUARY	20, 1976	
350106	MAXWELL, VILLAGE (COLFAX CO.)		SEPTEMBER	19, 1975	
350115A	MELROSE, VILLAGE (CURRY CO.)		JULY	25, 1975	AND
			NOVEMBER	28, 1975	
350397	PECOS, VILLAGE OF (SAN MIGUEL CO.)		JUNE	27, 1975	
350116	QUESTA, VILLAGE (TAOS CO.)		JANUARY	17, 1975	
350032A	TATUM, TOWN OF (LEA CO.)		JUNE	21, 1974	AND
			JANUARY	16, 1976	
350117	TEXICO, TOWN (CURRY CO.)		AUGUST	29, 1975	
350109	WILLARD, VILLAGE (TORRANCE CO.)		SEPTEMBER	05, 1975	
	TOTAL IN THE STATE	15			

• UNINCORPORATED AREAS ONLY

COMMUNITY NUMBER	NAME	NEW YORK	HAZARD AREA IDENTIFIED		
360324A	ADAMS, TOWN OF (JEFFERSON CO.)		MAY	31, 1974	AND
			MAY	07, 1976	
361301	ALLEN, TOWN OF (ALLEGHANY CO.)		JANUARY	31, 1975	
360960A	ALMA, TOWN OF (ALLEGANY CO.)		DECEMBER	13, 1974	AND
			MAY	28, 1976	
361200	AMBOY, TOWN OF (OSWEGO CO.)		NOVEMBER	15, 1974	
361305	AUSTERLITZ, TOWN OF (COLUMBIA CO.)		DECEMBER	27, 1974	
360516A	AVA, TOWN OF (ONEIDA CO.)		JUNE	28, 1974	AND
			SEPTEMBER	10, 1976	
361354A	BALDWIN, TOWN OF (CHEMUNG CO.)		MAY	31, 1974	
360106A	BEEKMANTOWN, TOWN OF (CLINTON CO.)		AUGUST	30, 1974	AND
			FEBRUARY	27, 1976	
361090A	BELFAST, TOWN OF (ALLEGANY CO.)		OCTOBER	18, 1974	AND
			JULY	16, 1976	
361392	BELLMONT, TOWN (FRANKLIN CO)		JANUARY	17, 1975	
361302	BIRDSALL, TOWN (ALLEGANY CO)		JANUARY	03, 1975	
361127A	BLEECKER, TOWN OF (FULTON CO.)		NOVEMBER	22, 1974	AND
			NOVEMBER	14, 1975	
361490A	BLOOMINGDALE, VILLAGE OF (ESSEX CO.)		NOVEMBER	15, 1974	AND
			JUNE	11, 1976	
361415	BOYLSTON, TOWN (OSWEGO CO)		JANUARY	03, 1975	
361207A	BRADFORD, TOWN OF (STEUBEN CO.)		DECEMBER	13, 1974	AND
			FEBRUARY	27, 1976	
360521A	BRIDGEWATER, TOWN OF (ONEIDA CO.)		SEPTEMBER	06, 1974	AND
			JULY	16, 1976	
361140A	BROADALBIN, TOWN OF (FULTON CO.)		SEPTEMBER	20, 1974	AND
			AUGUST	06, 1976	
361480	BRUSHTON, VILLAGE OF (FRANKLIN CO.)		NOVEMBER	15, 1974	
361416	BURLINGTON, TOWN OF (OTSEGO CO.)		NOVEMBER	22, 1974	
361394	BURNS, TOWN OF (ALLEGANY CO.)		NOVEMBER	08, 1974	
361445	BUTLER, TOWN OF (WAYNE CO.)		NOVEMBER	29, 1974	
361247A	BUTTERNUTS, TOWN OF (OTSEGO CO.)		DECEMBER	13, 1974	AND
			JUNE	25, 1976	
361208	CAMERON, TOWN (STEUBEN CO)		JANUARY	10, 1975	
361129A	CAROGA, TOWN OF (FULTON CO.)		NOVEMBER	08, 1974	AND
			JUNE	25, 1976	
360303A	CARROLLTON, TOWN OF (CATTARAUGUS CO.)		SEPTEMBER	20, 1974	AND
			MAY	07, 1976	
361243	CASTILE, TOWN OF (WYOMING CO.)		DECEMBER	27, 1974	
361503	CASTILE, VILLAGE OF (WYOMING CO)		FEBRUARY	28, 1975	
360328C	CHAMPION, TOWN OF (JEFFERSON COU)		MAY	31, 1974	AND
			FEBRUARY	07, 1975	
360444A	CHARLESTON, TOWN OF (MONTGOMERY CO.)		JULY	26, 1974	AND
			MAY	28, 1976	
360130A	CHERRY CREEK, VILLAGE OF (CHAUTAUQUA CO.)		MAY	10, 1974	AND
			SEPTEMBER	10, 1976	
360204A	CHESTERFIELD, TOWN OF (ESSEX CO.)		SEPTEMBER	06, 1974	AND
			AUGUST	13, 1976	
361254	CLARENDON, TOWN OF (ORLEANS CO)		MARCH	28, 1975	

• UNINCORPORATED AREAS ONLY

NEW YORK

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED		
360524A	CLAYVILLE, VILLAGE OF (ONEIDA CO.)	MAY	24, 1974	AND
		JULY	30, 1976	
361173A	CLIFTON, TOWN OF (ST. LAWRENCE CO.)	NOVEMBER	29, 1974	AND
		DECEMBER	26, 1975	
361380	CLINTON, TOWN (CLINTON CO.)	JANUARY	24, 1975	
360743A	COBLESKILL, VILLAGE OF (SCHOHARIE CO.)	JUNE	07, 1974	AND
		SEPTEMBER	12, 1975	
360304A	COLD SPRING, TOWN OF (CATTARAUGUS CO.)	JUNE	21, 1974	AND
		JUNE	25, 1976	
360005A	CONEWANGO, TOWN OF (CATTARAUGUS CO.)	JUNE	28, 1974	AND
		JULY	16, 1976	
360108A	CONQUEST, TOWN OF (CAYUGA CO.)	AUGUST	16, 1974	AND
		SEPTEMBER	12, 1975	
360300A	CONSTABLEVILLE, VILLAGE OF (LEWIS CO.)	AUGUST	09, 1974	AND
		MAY	28, 1976	
361441	COURTLAND, CITY OF (CORTLAND CO.)	FEBRUARY	14, 1975	
361366	CUYLER, TOWN OF (CORTLAN CO)	FEBRUARY	28, 1975	
361361	DANNEMORA, TOWN OF (CLINTON COU)	FEBRUARY	07, 1975	
361209	DANSVILLE, TOWN (STEUBEN CO.)	JANUARY	24, 1975	
360300A	DANUBE, TOWN OF (HERKIMER CO.)	APRIL	05, 1974	AND
		JUNE	18, 1976	
361308	DELEVAN, VILLAGE (CATTARAUGUS CO.)	JANUARY	03, 1975	
361175	DEPEYSTER, TOWN OF (ST. LAWRENCE)	FEBRUARY	14, 1975	
361524A	DERING HARBOR, VILLAGE OF (SUFFOLK CO.)	DECEMBER	20, 1974	AND
		AUGUST	06, 1976	
360304A	DIANA, TOWN OF (LEWIS CO.)	SEPTEMBER	13, 1974	AND
		JUNE	11, 1976	
361122A	DICKINSON, TOWN OF (FRANKLIN CO.)	NOVEMBER	06, 1974	AND
		JANUARY	09, 1976	
361410	DRESDEN, TOWN OF (WASHINGTON CO.)	FEBRUARY	14, 1975	
361176A	EDWARDS, TOWN (ST. LAWRENCE CO.)	JANUARY	24, 1975	AND
		FEBRUARY	06, 1976	
361403A	EDWARDS, VILLAGE OF (ST. LAWRENCE CO.)	NOVEMBER	15, 1974	AND
		FEBRUARY	06, 1976	
361499	ELBA, VILLAGE (GENESEE CO.)	JANUARY	24, 1975	
361491	ELIZABETHTOWN, VILLAGE (ESSEX CO.)	JANUARY	24, 1975	
361302	ELLENBURG, TOWN (CLINTON CO.)	MARCH	14, 1975	
361374A	ELLINGTON, TOWN OF (CHAUTAUQUA CO.)	OCTOBER	25, 1974	AND
		JULY	09, 1976	
361374	ERIN, TOWN (CHEMUNG CO.)	JANUARY	10, 1975	
361149	ESSEX, TOWN OF (ESSEX CO.)	DECEMBER	20, 1974	
361416	EXETER, TOWN (OTSEGO CO.)	JANUARY	10, 1975	
360071A	FARMERSVILLE, TOWN OF (CATTARAUGUS CO.)	JUNE	28, 1974	AND
		JUNE	11, 1976	
360073A	FRANKLINVILLE, VILLAGE OF (CATTARAUGUS CO.)	MAY	31, 1974	
361397	FRANKLIN, TOWN (FRANKLIN CO.)	JULY	18, 1975	
361325	FREETOWN, TOWN (CORTLAND CO.)	JANUARY	17, 1975	
361195A	FULTON, TOWN OF (SCHOHARIE CO.)	NOVEMBER	08, 1974	AND
		JANUARY	30, 1976	

• UNINCORPORATED AREAS ONLY

COMMUNITY NUMBER	NAME	NEW YORK	HAZARD AREA IDENTIFIED		
361501	GALWAY, VILLAGE OF [SARATOGA CO.]		JANUARY	31, 1975	
361101	GENESEE, TOWN OF [ALLEGANY CO.]		DECEMBER	13, 1974	
361402A	GENESEO, VILLAGE OF [LIVINGSTON CO.]		NOVEMBER	15, 1974	AND
			NOVEMBER	14, 1975	
360111A	GENOA, TOWN OF [CAYUGA CO.]		JUNE	28, 1974	AND
			JUNE	18, 1976	
360336A	GLEN PARK, VILLAGE OF [JEFFERSON CO.]		MARCH	29, 1974	
361295	GLEN, TOWN	[MONTGOMERY CO]	JANUARY	17, 1975	
361178	GOUVERNEUR, TOWN	[ST. LAWRENCE CO]	JANUARY	24, 1975	
361210	GREENWOOD, TOWN	[STEUBEN CO]	JANUARY	03, 1975	
361096A	GROVE, TOWN OF [ALLEGANY CO]		JUNE	28, 1974	AND
			JULY	09, 1976	
361491A	HARRISVILLE, VILLAGE OF [LEWIS CO.]		NOVEMBER	15, 1974	AND
			MAY	28, 1976	
361234	HARTFORD, TOWN OF [WASHINGTON CO.]		DECEMBER	27, 1974	
361271A	HARTWICK, TOWN OF [OTSEGO CO.]		OCTOBER	25, 1974	AND
			JULY	09, 1976	
361513A	HEAD OF THE HARBOR, VILLAGE OF [SUFFOLK CO.]		NOVEMBER	15, 1974	AND
			JULY	02, 1976	
361179	HOPKINTON, TOWN OF [ST. LAWRENCE CO.]		NOVEMBER	15, 1974	
361434	HOWARD, TOWN OF [STEUBEN CO.]		DECEMBER	27, 1974	
360378A	HUMPHREY, TOWN OF [CATTARAUGUS CO.]		AUGUST	30, 1974	AND
			JULY	16, 1976	
361308A	INDEPENDENCE, TOWN OF [ALLEGANY CO.]		SEPTEMBER	06, 1974	AND
			JUNE	11, 1976	
360379A	ISCHUA, TOWN OF [CATTARAUGUS CO.]		MAY	31, 1974	AND
			MAY	21, 1976	
360958A	ITALY, TOWN OF [YATES CO.]		JUNE	28, 1974	AND
			AUGUST	20, 1976	
361212A	JASPER, TOWN OF [STEUBEN CO.]		NOVEMBER	01, 1974	AND
			JULY	02, 1976	
361244A	JAVA, TOWN OF [WYOMING CO.]		OCTOBER	25, 1974	AND
			JULY	02, 1976	
361191A	KEENE, TOWN OF [ESSEX CO.]		NOVEMBER	01, 1974	AND
			JULY	16, 1976	
360206A	KEESEVILLE, VILLAGE OF [CLINTON CO.]		MAY	31, 1974	AND
			MAY	21, 1976	
361350A	LACONA, VILLAGE OF [OSWEGO CO.]		NOVEMBER	22, 1974	AND
			JUNE	18, 1976	
361326	LAPEER, TOWN OF	[CORTLAND CO]	FEBRUARY	28, 1975	
361419	LAURENS, TOWN	[OTSEGO CO]	JANUARY	03, 1975	
361235A	LEICESTER, TOWN OF [LIVINGSTON CO.]		OCTOBER	18, 1974	AND
			AUGUST	20, 1976	
361456	LEICESTER, VILLAGE	[LIVINGSTON CO]	JANUARY	10, 1975	
360330A	LEON, TOWN OF [CATTARAUGUS CO.]		MAY	31, 1974	AND
			JUNE	18, 1976	
360308A	LEWIS, TOWN OF [LEWIS CO.]		JUNE	28, 1974	AND

* UNINCORPORATED AREAS ONLY

NEW YORK

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED		
		JULY	09, 1976	
361152	LEWIS, TOWN OF (ESSEX CO.)	NOVEMBER	29, 1974	
360309A	LITCHFIELD, TOWN OF (HERKIMER CO.)	MARCH	15, 1974	AND
		APRIL	09, 1976	
361456	LIVONIA, VILLAGE (LIVINGSTON CO.)	JANUARY	10, 1975	
361550A	LODI, VILLAGE OF (SENECA CO.)	FEBRUARY	28, 1975	AND
		JANUARY	16, 1976	
361406	LONG LAKE, TOWN (HAMILTON CO.)	JULY	25, 1975	
360083A	LYNDON, TOWN OF (CATTARAUGUS CO.)	AUGUST	09, 1974	
360371A	LYONSDALE, TOWN OF (LEWIS CO.)	AUGUST	16, 1974	AND
		JULY	16, 1976	
360064A	MACHIAS, TOWN OF (CATTARAUGUS CO.)	OCTOBER	18, 1974	AND
		AUGUST	27, 1976	
361292A	MADISON, TOWN OF (MADISON CO.)	DECEMBER	20, 1974	AND
		JUNE	04, 1976	
361152	MAYFIELD, TOWN (FULTON CO.)	JANUARY	17, 1975	
361352	MILFORD, VILLAGE (OTSEGO CO.)	JANUARY	10, 1975	
361153A	MINERVA, TOWN OF (ESSEX CO.)	DECEMBER	20, 1974	AND
		JULY	09, 1976	
361125	MOIRA, TOWN OF (FRANKLIN CO.)	NOVEMBER	15, 1974	
361303	MOORES, TOWN OF (CLINTON)	FEBRUARY	14, 1975	
361400	MOORES, VILLAGE (CLINTON CO.)	JANUARY	03, 1975	
360117A	MORAVIA, TOWN OF (CAYUGA CO.)	JUNE	14, 1974	AND
		JUNE	18, 1976	
361309	MORIAH, TOWN OF (ESSEX CO.)	NOVEMBER	22, 1974	
360706A	MORRISTOWN, TOWN OF (ST. LAWRENCE CO.)	SEPTEMBER	06, 1974	AND
		JULY	16, 1976	
360406	MORRISVILLE, VILLAGE OF (MADISON CO.)	MARCH	08, 1974	
361353A	MORRIS, VILLAGE OF (OTSEGO CO.)	NOVEMBER	15, 1974	AND
		MAY	28, 1976	
360306A	NAPOLI, TOWN OF (CATTARAUGUS CO.)	JUNE	14, 1974	AND
		JANUARY	02, 1976	
361155	NASSAU, TOWN OF (RENSSELAER CO.)	NOVEMBER	22, 1974	
360675B	NASSAU, VILLAGE OF (RENSSELAER CO.)	MARCH	22, 1974	AND
		MARCH	05, 1976	AND
		AUGUST	27, 1976	
361420	NEW LISBON, TOWN OF (OTSEGO CO.)	JANUARY	31, 1975	
361104	NORTH GREENBUSH, TOWN OF (RENSSELAER CO.)	OCTOBER	03, 1975	
361400A	NORTHAMPTON, TOWN OF (FULTON CO.)	JANUARY	31, 1975	AND
		AUGUST	06, 1976	
361408	OHIO, TOWN (HERKIMER CO.)	JANUARY	03, 1975	
361134A	OPPENHEIM, TOWN OF (FULTON CO.)	NOVEMBER	08, 1974	AND
		JUNE	18, 1976	
361354A	ORISKANY FALLS, VILLAGE OF (ONEIDA CO.)	NOVEMBER	22, 1974	AND
		JUNE	18, 1976	
361202A	ORWELL, TOWN OF (OSWEGO CO.)	OCTOBER	25, 1974	AND
		JUNE	04, 1976	
360657A	OSWEGO, TOWN OF (OSWEGO CO.)	MAY	10, 1974	AND
		MAY	14, 1976	

• UNINCORPORATED AREAS ONLY

NEW YORK

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
360090A	OTTO, TOWN OF (CATTARAUGUS CO.)	MAY 31, 1974 AND SEPTEMBER 19, 1975
361413	PALATINE, TOWN OF (MONTGOMERY CO.)	NOVEMBER 29, 1974
361203	PALERMO, TOWN OF (OSWEGO COU)	FEBRUARY 07, 1975
361425	PARISHVILLE, TOWN (ST. LAWRENCE CO)	JANUARY 17, 1975
361357	PARIS, TOWN OF (OSWEGO CO.)	DECEMBER 27, 1974
360946A	PERRY, TOWN OF (WYOMING CO.)	JUNE 28, 1974 AND MAY 07, 1976
361426	PIERCEFIELD, TOWN OF (ST. LAWRENCE CO.)	JANUARY 31, 1975
360375A	PINCKNEY, TOWN OF (LEWIS CO.)	SEPTEMBER 06, 1974
361277	PITTSFIELD, TOWN OF (OTSEGO CO.)	OCTOBER 25, 1974
361278	PLAINFIELD, TOWN OF (OTSEGO CO.)	NOVEMBER 08, 1974
361029A	PORTAGE, TOWN OF (LIVINGSTON CO.)	AUGUST 16, 1974 AND JUNE 18, 1976
361300	PRESTON, TOWN (CHENANGO CO)	JANUARY 17, 1975
361356A	PROSPECT, VILLAGE OF (ONEIDA CO.)	NOVEMBER 15, 1974
361190A	PROVIDENCE, TOWN OF (SARATOGA CO.)	NOVEMBER 15, 1974 AND AUGUST 06, 1976
360781A	RATHBONE, TOWN OF (STEUBEN CO.)	AUGUST 02, 1974 AND SEPTEMBER 17, 1976
361548	RED CREEK, VILLAGE (WAYNE CO)	JANUARY 10, 1975
361306	RED HOUSE, TOWN OF (CATTARAUGUS CO)	FEBRUARY 28, 1975
361205	REDFIELD, TOWN OF (OSWEGO CO.)	NOVEMBER 22, 1974
360014A	RENSSELAERVILLE, TOWN OF (ALBANY CO.)	DECEMBER 06, 1974 AND SEPTEMBER 03, 1976
361279	RICHFIELD, TOWN OF (OTSEGO CO.)	OCTOBER 18, 1974
361407	RICHVILLE, VILLAGE (ST. LAWRENCE CO)	JANUARY 10, 1975
361257A	RIDGEWAY, TOWN OF (ORLEANS COU)	FEBRUARY 07, 1975 AND JANUARY 16, 1976
361166A	ROSSIE, TOWN OF (ST. LAWRENCE CO.)	NOVEMBER 01, 1974 AND MARCH 26, 1976
361428	RUSSELL, TOWN OF (ST. LAWRENCE)	FEBRUARY 14, 1975
361121A	RUSSIA, TOWN OF (HERKIMER CO.)	NOVEMBER 01, 1974 AND JUNE 18, 1976
360317A	SALISBURY, TOWN OF (HERKIMER CO.)	JUNE 07, 1974 AND JULY 16, 1976
361358A	SANDY CREEK, VILLAGE OF (OSWEGO CO.)	NOVEMBER 15, 1974
360171	SARANAC, TOWN (CLINTON CO)	APRIL 18, 1975
361229A	SAVANNAH, TOWN OF (WAYNE CO.)	DECEMBER 20, 1974 AND JUNE 25, 1976
360172A	SCHUYLER FALLS, TOWN OF (CLINTON CO.)	SEPTEMBER 13, 1974 AND SEPTEMBER 17, 1976
360122A	SCIPIO, TOWN OF (CAYUGA CO.)	MAY 31, 1974 AND MAY 28, 1976
360124A	SENNETT, TOWN OF (CAYUGA CO.)	JUNE 14, 1974 AND MAY 14, 1976
361349A	SHARON SPRINGS, VILLAGE (SCHOHARIE CO)	JANUARY 10, 1975
361258A	SHELBY, TOWN OF (ORLEANS CO.)	NOVEMBER 08, 1974 AND DECEMBER 12, 1975

* UNINCORPORATED AREAS ONLY

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
	NEW YORK	
361373	SHERMAN, TOWN OF (CHAUTAUQUA CO.)	JANUARY 17, 1975
360399A	SOUTH DAYTON, VILLAGE OF	MAY 31, 1974 AND JUNE 18, 1976
360100A	SOUTH VALLEY, TOWN OF (CATTARAUGUS CO.)	SEPTEMBER 06, 1974 AND SEPTEMBER 24, 1976
361284	SPARTA, TOWN OF (LIVINGSTON CO.)	NOVEMBER 08, 1974 AND JUNE 11, 1976
361471A	SPENCER, VILLAGE OF (TIOGA CO.)	NOVEMBER 15, 1974
361118	STAFFORD, TOWN OF (GENESEE CO.)	JANUARY 24, 1975
361170	STEPHENTOWN, TOWN OF (RENSSELAER CO.)	DECEMBER 20, 1974
360126A	STERLING, TOWN OF (CAYUGA CO.)	JULY 26, 1974 AND JULY 09, 1976
360595A	STEUBEN, TOWN OF (ONEIDA CO.)	JUNE 28, 1974 AND JULY 09, 1976
361429	STOCKHOLM, TOWN (ST. LAWRENCE CO.)	JANUARY 03, 1975
361136	STRATFORD, TOWN OF (FULTON CO.)	NOVEMBER 15, 1974
361197A	ST. ARMAND, TOWN OF (ESSEX CO.)	OCTOBER 25, 1974 AND JULY 02, 1976
360450A	ST. JOHNSVILLE, TOWN OF (MONTGOMERY CO.)	AUGUST 16, 1974 AND JUNE 04, 1976
361330	TAYLOR, TOWN OF (CORTLAND CO.)	JULY 11, 1975
361213A	THURSTON, TOWN OF (STEUBEN CO.)	OCTOBER 25, 1974 AND AUGUST 13, 1976
360900A	TORREY, TOWN OF (YATES CO.)	MAY 31, 1974 AND JANUARY 09, 1976
360557A	TRENTON, VILLAGE OF (ONEIDA CO.)	AUGUST 30, 1974 AND JUNE 18, 1976
361430	TROUPSBURG, TOWN OF (STEUBEN CO.)	FEBRUARY 21, 1975
361057A	VETERAN, TOWN OF (CHEMUNG CO.)	OCTOBER 25, 1974 AND JUNE 18, 1976
360131A	VICTORY, TOWN OF (CAYUGA CO.)	JULY 26, 1974 AND MARCH 05, 1976
360733A	VICTORY, VILLAGE OF (SARATOGA CO.)	APRIL 05, 1974
361042A	VILLENOVA, TOWN OF (CHAUTAUQUA CO.)	OCTOBER 18, 1974 AND AUGUST 20, 1976
361248B	WALWORTH, TOWN OF (WAYNE CO.)	DECEMBER 13, 1974 AND OCTOBER 10, 1975 AND MAY 28, 1976
361482	WAMPSVILLE, VILLAGE (MADISON CO.)	JANUARY 17, 1975
361304	WARD, TOWN (ALLEGANY CO.)	JANUARY 17, 1975
360503A	WATERVILLE, VILLAGE OF (ONEIDA CO.)	JUNE 14, 1974 AND JUNE 18, 1976
361112	WELLS, TOWN OF (HAMILTON CO.)	NOVEMBER 29, 1974
361240	WETHERSFIELD, TOWN OF (WYOMING CO.)	DECEMBER 13, 1974
361230A	WHITE CREEK, TOWN OF (WASHINGTON CO.)	OCTOBER 18, 1974 AND JULY 23, 1976

* UNINCORPORATED AREAS ONLY

NEW YORK

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
361351A	WILLET, TOWN OF (CORTLAND CO.)	DECEMBER 20, 1974 AND JUNE 11, 1976
361267A	WILLIAMSTOWN, TOWN OF (OSWEGO CO.)	NOVEMBER 01, 1974 AND JULY 02, 1976
360267A	WILLSBORO, TOWN OF (ESSEX CO.)	NOVEMBER 08, 1974 AND JUNE 25, 1976
361101	WILMINGTON, TOWN (ESSEX CO.)	JANUARY 17, 1975
361103	WIRT, TOWN (ALLEGANY CO.)	APRIL 11, 1975
361263A	WORCESTER, TOWN OF (OTSEGO CO.)	NOVEMBER 01, 1974 AND AUGUST 13, 1976
361262	WRIGHT, TOWN OF (SCHUYLER CO.)	NOVEMBER 08, 1974
361104	YORKSHIRE, TOWN (CATTARAUGUS CO.)	APRIL 11, 1975

TOTAL IN THE STATE 197

* UNINCORPORATED AREAS ONLY

COMMUNITY NUMBER	NORTH CAROLINA NAME	HAZARD AREA IDENTIFIED		
370358	AUTRYVILLE, TOWN [SAMPSON CO]	JULY	25, 1975	
370388	BATTLEBORO, TOWN [EDGECOMBE CO]	AUGUST	15, 1975	
370210	CHINA GROVE, TOWN OF [ROWAN CO.]	JANUARY	09, 1974	
370321	CRAMERTON, TOWN [GASTON CO]	JULY	11, 1975	
370322	DALLAS, TOWN [GASTON CO]	JUNE	27, 1975	
370359	EAST LAURINBURG, TOWN [SCOTLAND CO]	JULY	11, 1975	
370352	FAITH, TOWN [ROWAN CO]	OCTOBER	17, 1975	
370326	HOOKERTON, TOWN [GREENE CO]	SEPTEMBER	26, 1975	
370136	JOHNSTON COUNTY	JANUARY	03, 1975	
370353	LAWNDALE, TOWN [CLEVELAND CO]	JULY	11, 1975	
370144	LENOIR COUNTY *	DECEMBER	27, 1974	
370323	LOWELL, TOWN [GASTON CO]	AUGUST	15, 1975	
370390A	MACCLESFIELD, TOWN OF [EDGECOMBE CO.]	JANUARY	09, 1974	AND
		JUNE	11, 1976	
370101A	MCADENVILLE, CITY OF [GASTON CO.]	JUNE	21, 1974	AND
		JULY	16, 1976	
370309	MOCKSVILLE, TOWN [DAVIE CO]	JULY	11, 1975	
370349	URRUM, TOWN [ROBESON CO]	APRIL	25, 1975	
370357	PINE BLUFF, TOWN [MOORE CO]	JULY	11, 1975	
370324	RANLO, TOWN [GASTON CO]	JUNE	27, 1975	
370341	RICHLANDS, TOWN [ONSLOW CO]	JULY	11, 1975	
370106A	ROBBINSVILLE, TOWN OF [GRAHAM CO.]	JUNE	14, 1974	AND
		AUGUST	27, 1976	
370258A	RONDA, TOWN OF [WILKES CO.]	SEPTEMBER	06, 1974	AND
		MAY	14, 1976	
370220	SAMPSON COUNTY *	DECEMBER	20, 1974	
370005A	SPARTA, CITY [ALLEGANY CO.]	FEBRUARY	15, 1974	AND
		JULY	02, 1976	
370393A	SPEED, TOWN OF [EDGECOMBE CO.]	JANUARY	09, 1974	AND
		APRIL	02, 1976	
370300	SPINDALE, TOWN OF [RUTHERFORD CO.]	JUNE	27, 1975	
370371	STANTONSBURG, TOWN [WILSON CO]	OCTOBER	03, 1975	
370075A	VANCEBORO, TOWN OF [CRAVEN CO.]	MARCH	01, 1974	AND
		JULY	02, 1976	
370360	WAGRAM, TOWN [SCOTLAND CO]	AUGUST	08, 1975	
370294	WAYNE COUNTY *	DECEMBER	27, 1974	
370297A	WEAVERVILLE, TOWN OF [BUNCOMBE CO.]	NOVEMBER	29, 1974	AND
		MAY	28, 1976	
370345	WINFALL, TOWN [PERQUIMANS CO]	JULY	25, 1975	
370305	WINGATE, TOWN [UNION CO]	OCTOBER	03, 1975	
	TOTAL IN THE STATE	32		

• UNINCORPORATED AREAS ONLY

COMMUNITY NUMBER	NAME	NORTH DAKOTA	HAZARD AREA IDENTIFIED		
380152	ADAMS, CITY	(WALSH CO.)	JULY	25, 1975	
380154	ANAMOOSE, CITY	(MCHENRY CO.)	JANUARY	17, 1975	
380156	ARTHUR, CITY OF	(CASS)	FEBRUARY	14, 1975	
380345	BALFOUR, CITY	(MCHENRY CO.)	SEPTEMBER	05, 1975	
380300	BATHGATE, CITY OF	(PEMBINA CO.)	NOVEMBER	22, 1974	
380215	BEACH, CITY	(GOLDEN VALLEY CO.)	JULY	11, 1975	
380157	BERTHOLD, CITY	(WARD CO.)	JULY	11, 1975	
380158	BINFORD, CITY OF	(GRIGGS)	FEBRUARY	14, 1975	
380128	BISBEE, CITY OF	(TOWNER CO)	FEBRUARY	21, 1975	
380210	BOWBELLS, CITY OF	(BURKE COU)	FEBRUARY	07, 1975	
380159	BOWDON, CITY	(WELLS CO.)	JULY	11, 1975	
380160	BUFFALO, CITY OF	(CASS)	FEBRUARY	14, 1975	
380217A	CANDO, CITY	(TOWNER CO.)	JANUARY	10, 1975	AND
			SEPTEMBER	26, 1975	
380121	COURTENAY, CITY OF	(STUTSMAN CO.)	DECEMBER	27, 1974	
380093	CRARY, CITY OF	(RAMSEY CO.)	NOVEMBER	15, 1974	
380039	DAWSON, CITY OF	(KIDDER CO.)	DECEMBER	06, 1974	
380227	DODGE, CITY	(DUNN CO.)	APRIL	25, 1975	
380242	DRAKE, CITY OF	(MC HENRY CO)	FEBRUARY	21, 1975	
380225A	EDGELEY, CITY	(LA MOURE CO.)	JULY	25, 1975	AND
			FEBRUARY	27, 1976	
380225A	ELLENDALE, CITY OF	(DICKEY CO)	FEBRUARY	21, 1975	AND
			SEPTEMBER	12, 1975	
380227	FINLEY, CITY OF	(STEELE)	FEBRUARY	14, 1975	
380169	FLAXTON, CITY OF	(BURKE COU)	FEBRUARY	07, 1975	
380171	FORTUNA, CITY	(DIVIDE CO.)	JULY	25, 1975	
380172	GACKLE, CITY	(LOGAN CO.)	AUGUST	22, 1975	
380035	GILBY, CITY OF	(GRAND FORKS CO.)	NOVEMBER	22, 1974	
380174	GLENBURN, CITY OF	(RENVILLE)	FEBRUARY	14, 1975	
380175	GOLDEN VALLEY, CITY	(MERCER CO.)	JUNE	27, 1975	
380176	GRANVILLE, CITY	(MCHENRY CO.)	JANUARY	17, 1975	
380177	GRENORA, CITY	(WILLIAMS CO.)	MAY	02, 1975	
380227	GWINNER, CITY	(SARGENT CO.)	JANUARY	10, 1975	
380094	HAMPDEN, CITY OF	(RAMSEY CO.)	NOVEMBER	29, 1974	
380178	HANNAFORD, CITY	(GRIGGS CO.)	JANUARY	17, 1975	
380181A	HATTON, CITY OF	(TRAIL CO.)	MAY	10, 1974	
380233	HETTINGER, CITY	(ADAMS CO.)	JULY	11, 1975	
380348	KARLSRUHE, CITY	(MCHENRY CO.)	JANUARY	10, 1975	
380234	KENMARE, CITY	(WARD CO.)	MAY	02, 1975	
380575A	LAKOTA, CITY OF	(NELSON CO.)	MAY	03, 1974	AND
			DECEMBER	26, 1975	
380184	LANSFORD, CITY OF	(BOTTINEAU)	FEBRUARY	14, 1975	
380095	LARIMORE, CITY OF	(GRAND FORKS CO.)	DECEMBER	06, 1974	
380303A	LEEDS, CITY OF	(BENSON CO.)	APRIL	05, 1974	AND
			JANUARY	02, 1976	
380343	LEHR, CITY OF	(LOGAN + MCINTOSH COS.)	NOVEMBER	22, 1974	
380237	LIDGERWOOD, CITY OF	(RICHLAND)	FEBRUARY	14, 1975	
380187	LITCHVILLE, CITY	(BARNES CO.)	JANUARY	17, 1975	
380304A	MADDOCK, CITY OF	(BENSON CO.)	MARCH	08, 1974	AND

• UNINCORPORATED AREAS ONLY

COMMUNITY NUMBER	NAME	NORTH DAKOTA	HAZARD AREA IDENTIFIED	
			NOVEMBER 15, 1974	
380057	MANVEL, CITY	[GRAND FORKS CO]	JANUARY 10, 1975	
380115	MARMARTH, CITY OF	[SLOPE CO.]	NOVEMBER 29, 1974	
380308	MAXBASS, CITY OF	[BOTTINEAU CO.]	NOVEMBER 22, 1974	
380300	MAX, CITY OF	[MCLEAN CO.]	NOVEMBER 22, 1974	
380238	MCVILLE, CITY OF	(NELSON)	FEBRUARY 14, 1975	
380124	MEDINA, CITY OF	[STUTSMAN CO.]	DECEMBER 20, 1974	
380240	MINNEWAUKAN, CITY	[BENSON CO]	JANUARY 17, 1975	
380125	MONTPELIER, CITY OF	[STUTSMAN CO.]	NOVEMBER 15, 1974	
380109	MUNICH, CITY	[CAVALIER CO]	JANUARY 17, 1975	
380031A	NEW ROCKFORD, CITY OF	[EDDY CO.]	NOVEMBER 23, 1973	AND
			APRIL 16, 1976	
380243	NEW SALEM, CITY OF	(MORTON CO)	FEBRUARY 21, 1975	
380309	NEWBURG, CITY OF	[BOTTINEAU CO.]	DECEMBER 06, 1974	
380192	OSNABROCK, CITY OF	(CAVALIER CO.)	FEBRUARY 21, 1975	
380193	PAGE, CITY OF	(CASS)	FEBRUARY 14, 1975	
380373	PARSHALL, CITY OF	[MOUNTRAIL CO.]	NOVEMBER 29, 1974	
380247	RAY, CITY	[WILLIAMS CO]	AUGUST 08, 1975	
380197	REEDER, CITY	[ADAMS CO]	FEBRUARY 21, 1975	
380129	ROCK LAKE, CITY OF	[TOWNER CO.]	NOVEMBER 22, 1974	
380201	RYDER, CITY	[WARD CO]	SEPTEMBER 19, 1975	
380202	SANBURN, CITY OF	(BARNES CO)	FEBRUARY 21, 1975	
380145	SAWYER, CITY OF	(WARD CO)	JANUARY 31, 1975	
380203	SHARON, CITY OF	(STEELE)	FEBRUARY 14, 1975	
380204	SHERWOOD, CITY OF	(RENVILLE)	FEBRUARY 14, 1975	
380010	SOURIS, CITY OF	[BOTTINEAU CO.]	NOVEMBER 29, 1974	
380096	STARKWEATHER, CITY OF	[RAMSEY CO.]	DECEMBER 06, 1974	
380251	STEELE, CITY OF	(KIDDER CO)	FEBRUARY 21, 1975	
380252	STRASBURG, CITY OF	(EMMONS)	FEBRUARY 14, 1975	
380127	STREETER, CITY OF	[STUTSMAN CO.]	NOVEMBER 22, 1974	
380249	ST. THOMAS, CITY OF	(PEMBINA CO)	FEBRUARY 21, 1975	
380206	SURREY, CITY	[WARD CO]	JUNE 27, 1975	
380340	TAPPEN, CITY OF	[KIDDER CO.]	DECEMBER 06, 1974	
380206	THOMPSON, CITY OF	(GRAND FORKS)	FEBRUARY 14, 1975	
380210	TOWER CITY, CITY	[BARNES CO.]	JANUARY 10, 1975	
380253	TOWNER, CITY OF	(MCHENRY CO)	JANUARY 31, 1975	
380061A	TURTLE LAKE, CITY OF	[MCLEAN CO.]	MARCH 22, 1974	
380341	TUTTLE, CITY OF	[KIDDER CO.]	NOVEMBER 29, 1974	
380350	UPHAM, CITY OF	[MCHENRY CO.]	DECEMBER 06, 1974	
380363A	WASHBURN, CITY OF	[MCLEAN CO.]	MARCH 22, 1974	AND
			JANUARY 16, 1976	
380074	WHITE EARTH, CITY OF	[MOUNTRAIL CO.]	DECEMBER 20, 1974	
380211	WILDROSE, CITY	[WILLIAMS CO]	AUGUST 15, 1975	
380365A	WILTON, CITY OF	[MCLEAN AND BURLEIGH CO.]	MAY 24, 1974	
380212	WIMBLEDON, CITY OF	(BARNES)	FEBRUARY 14, 1975	
380213	WING, CITY	[BURLEIGH CO]	JUNE 27, 1975	

• UNINCORPORATED AREAS ONLY

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
	NORTH DAKOTA	
	TOTAL IN THE STATE	87

• UNINCORPORATED AREAS ONLY

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED	
	OHIO		
390727	ALBANY, VILLAGE OF (ATHENS)	FEBRUARY 14, 1975	
390329A	ALEXANDRIA, VILLAGE OF (LICKING CO.)	MAY 31, 1974	
390688	AMANDA, VILLAGE (FAIRFIELD CO.)	JULY 25, 1975	
390315	AMESVILLE, VILLAGE (ATHENS CO)	JULY 25, 1975	
390241	ARCADIA, VILLAGE (HANCOCK CO)	JULY 11, 1975	
390207A	ARLINGTON HEIGHTS, VILLAGE OF (HAMILTON CO.)	FEBRUARY 01, 1974	AND
		DECEMBER 05, 1975	
390194	BALTIMORE, VILLAGE OF (FAIRFIELD CO.)	JUNE 21, 1974	AND
		APRIL 16, 1976	
390324	BARNESVILLE, VILLAGE OF (BELMONT CO.)	JUNE 07, 1974	
390090A	BERLIN HEIGHTS, VILLAGE OF (ERIE CO.)	APRIL 05, 1974	
390674	BETHESDA, VILLAGE OF (BELMONT COU)	FEBRUARY 07, 1975	
390500A	BETTSVILLE, VILLAGE OF (SENECA CO.)	APRIL 12, 1974	
390374	BLANCHESTER, VILLAGE OF (CLINTON CO.)	APRIL 05, 1974	
390749	BOSTON HEIGHTS, VILLAGE (SUMMIT CO)	JULY 25, 1975	
390728	BUCHTEL, VILLAGE OF (ATHENS COU)	FEBRUARY 07, 1975	
390753	BURBANK, VILLAGE (WAYNE CO)	APRIL 18, 1975	
390468A	BURGOON, VILLAGE OF (SANDUSKY CO.)	AUGUST 02, 1974	AND
		JULY 16, 1976	
390719	BUTLERVILLE, VILLAGE OF (WARREN)	FEBRUARY 14, 1975	
390401A	CAMDEN, VILLAGE OF (PREBLE CO.)	MAY 10, 1974	AND
		AUGUST 27, 1976	
390607	CEDARVILLE, VIL (GREENE CO)	JANUARY 10, 1975	
390317A	CHAUNCEY, VILLAGE OF (ATHENS CO.)	JUNE 21, 1974	AND
		APRIL 16, 1976	
390608	CHESAPEAKE, VIL (LAWRENCE CO)	JANUARY 10, 1975	
390678	CLIFTON, VILLAGE (CLARK CO.)	AUGUST 08, 1975	
390326A	COAL GROVE, VILLAGE OF (LAWRENCE CO.)	JUNE 14, 1974	AND
		MAY 21, 1976	
390291A	COALTON, VILLAGE OF (JACKSON CO.)	FEBRUARY 01, 1974	AND
		MAY 21, 1976	
390466A	COLUMBUS GROVE, VILLAGE OF (PUTNAM CO.)	FEBRUARY 08, 1974	
390711	COMMERCIAL POINT, VILLAGE OF (PICKAWAY COU)	JANUARY 31, 1975	
390575A	CRESTON, VILLAGE OF (WAYNE CO.)	FEBRUARY 01, 1974	AND
		MAY 28, 1976	
390187	CROWN CTY, VILLAGE (GALLIA CO)	JANUARY 10, 1975	
390712	DARBYVILLE, VILLAGE OF (PICKAWAY COU)	FEBRUARY 07, 1975	
390049A	DELROY, VILLAGE OF (CARROLL CO.)	AUGUST 09, 1974	
390301A	DUNNELSVILLE, VILLAGE OF (CLARK CO.)	FEBRUARY 01, 1974	
390720	DOYLESTOWN, VILLAGE OF (WAYNE)	FEBRUARY 14, 1975	
390407A	DUPONT, VILLAGE OF (PUTNAM CO.)	AUGUST 09, 1974	
390060A	EAST ROCHESTER, VILLAGE OF (COLUMBIA CO.)	SEPTEMBER 13, 1974	
390747	EDISON, VILLAGE (MORROW CO)	APRIL 18, 1975	
390714	ELDORADO, VILLAGE OF (PREBLE CO)	MARCH 28, 1975	
390650A	ELIDA, VILLAGE OF (ALLEN CO.)	MARCH 29, 1974	
390214A	EVENDALE, VILLAGE OF (HAMILTON CO.)	MARCH 01, 1974	AND
		AUGUST 27, 1976	
390408A	FORT JENNINGS, VILLAGE OF (PUTNAM CO.)	MAY 31, 1974	AND
		SEPTEMBER 03, 1976	

• UNINCORPORATED AREAS ONLY

COMMUNITY NUMBER	NAME	OHIO	HAZARD AREA IDENTIFIED		
390425	FRAZEYSBURG, VILLAGE OF [MUSKINGHAM CO.]		AUGUST	30, 1974	
390185	GALLIA COUNTY •		DECEMBER	27, 1974	
390612	GENOA, VIL	[OTTAWA CO]	JULY	18, 1975	
390409A	GILBOA, VILLAGE OF [PUTNAM CO.]		AUGUST	09, 1974	
390442A	GLENFORD, VILLAGE OF [PERRY CO.]		AUGUST	23, 1974	
390735	GLENWILLOW, VILLAGE [CUYAHOGA CO]		AUGUST	08, 1975	
390614	GRAFTON, VILLAGE OF [LORAIN CO.]		DECEMBER	20, 1974	
390594A	HAMDEN, VILLAGE OF [VINTON CO.]		FEBRUARY	01, 1974	AND
			MAY	07, 1976	
390204	HAMLER, VILLAGE OF [HENRY CO.]		APRIL	12, 1974	
390679	HANGING ROCK, VILLAGE OF	(LAWRENCE CO)	MARCH	28, 1975	
390250	HARDIN COUNTY•		JANUARY	03, 1975	
390331A	HARTFORD, VILLAGE OF [LICKING CO.]		SEPTEMBER	13, 1974	
390514	HARTVILLE, VILLAGE	[STARK CO]	JULY	25, 1975	
390110A	HIGHLAND HGTS, CITY [CUYAHOGA CO]		JULY	25, 1975	AND
			DECEMBER	05, 1975	
390741	IRONDALE, VILLAGE [JEFFERSON CO]		JULY	11, 1975	
390505A	JACKSON CENTER, VILLAGE OF [SHELBY CO.]		MAY	31, 1974	AND
			JULY	09, 1976	
390319A	JACKSONVILLE, VILLAGE OF [ATHENS CO.]		MAY	17, 1974	
390246A	JENERA, VILLAGE OF [HANCOCK CO.]		AUGUST	09, 1974	
390471A	KALIDA, VILLAGE OF [PUTNUM CO.]		MARCH	01, 1974	
390261A	KIMBOLTON, VILLAGE OF [GUERNSEY CO.]		DECEMBER	06, 1974	
390616	KIRTLAND, VIL	[LAKE CO]	AUGUST	08, 1975	
390300	KNOX COUNTY •		JANUARY	31, 1975	
390270A	LEESBURG, VILLAGE OF [HIGHLAND CO.]		APRIL	05, 1974	
390350A	LEESVILLE, VILLAGE OF [CARROLL CO.]		SEPTEMBER	20, 1974	
390617	LEWISBURG, VIL	[PREBLE CO]	AUGUST	08, 1975	
390985A	LISBON, VILLAGE OF [COLUMBIANA CO.]		APRIL	12, 1974	
390691	LOCKBOURNE, VILLAGE OF	(FRANKLIN COU)	JANUARY	31, 1975	
390223	LOCKLAND, CITY OF [HAMILTON CO.]		FEBRUARY	15, 1974	
390601A	LUCAS, VILLAGE OF [RICHLAND CO.]		APRIL	05, 1974	AND
			SEPTEMBER	26, 1975	
390750	MACEDONIA, VILLAGE	[SUMMIT CO]	APRIL	18, 1975	
390748	MARBLEHEAD, VILLAGE	[OTTAWA CO]	APRIL	18, 1975	
390246A	MARIEMONT, VILLAGE OF	(HAMILTON CO.)	FEBRUARY	08, 1974	AND
			JANUARY	10, 1975	
390376	MARION, CITY	[MARION CO]	SEPTEMBER	05, 1975	
390750	MARSEILLES, VILLAGE	[WYANDOT CO]	APRIL	18, 1975	
390254A	MCGUFFEY, VILLAGE OF [HARDIN CO.]		MAY	10, 1974	
390378	MEDINA COUNTY		JANUARY	10, 1975	
390392	MERCER COUNTY •		FEBRUARY	14, 1975	
390669	MILLERSPORT, VILLAGE OF	(FAIRFIELD COU)	JANUARY	31, 1975	
390841A	MILLVILLE, VILLAGE OF [BUTLER CO.]		JUNE	07, 1974	AND
			MAY	07, 1976	
390404	MONROE COUNTY •		FEBRUARY	14, 1975	
390396A	MONTEZUMA, VILLAGE OF [MERCER CO.]		AUGUST	09, 1974	AND
			MAY	28, 1976	

* UNINCORPORATED AREAS ONLY

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
	OHIO	
390501A	MONTPELIER, VILLAGE OF [WILLIAMS CO.]	MAY 31, 1974
390420	MORGAN COUNTY	JANUARY 10, 1975
390746A	MORRAL, VILLAGE [MARION CO]	APRIL 18, 1975 AND AUGUST 27, 1976
390249A	MOUNT CORY, VILLAGE OF [HANCOCK CO.]	SEPTEMBER 20, 1974
390621A	MOUNT ORAB, VIL [BROWN CO]	JULY 25, 1975 AND MAY 07, 1976
390722	NEVADA, VILLAGE OF (WYANDOT)	FEBRUARY 14, 1975
390205A	NORTH FAIRFIELD, VILLAGE OF [HURON CO.]	MARCH 15, 1974 AND APRIL 09, 1976
390679	NORTH HAMPTON, VILLAGE OF (CLARK COU)	FEBRUARY 07, 1975
390736	NORTH RANDALL, VILLAGE [CUYAHOGA CO]	APRIL 18, 1975
390726	NORTHFIELD, VILLAGE OF (SUMMIT COU)	FEBRUARY 07, 1975
390622	NORTHWOOD, VIL [WOOD CO]	JULY 25, 1975
390433A	OAK HARBOR, VILLAGE OF [OTTAWA CO.]	MARCH 01, 1974 AND APRIL 16, 1976
390176A	OBETZ, VILLAGE OF [FRANKLIN CO.]	FEBRUARY 15, 1974
390737	ORANGE, VILLAGE [CUYAHOGA CO]	APRIL 18, 1975
390191A	OSGOOD, VILLAGE OF [DARKE CO.]	AUGUST 30, 1974
390150A	OSTRANDER, VILLAGE OF [DELAWARE CO.]	SEPTEMBER 20, 1974
390600	OWENSVILLE, VILLAGE OF (CLERMONT CO)	MARCH 28, 1975
390439A	PAYNE, VILLAGE OF [PAULDING CO.]	MAY 03, 1974
390267A	PLYMOUTH, VILLAGE OF [HURON CO.]	MAY 03, 1974 AND MAY 21, 1976
390453	PORTAGE COUNTY *	DECEMBER 27, 1974
390700	PROCTORVILLE, VILLAGE [LAWRENCE CO.]	APRIL 18, 1975
390499A	RARDEN, VILLAGE OF [SCIOTO CO.]	AUGUST 23, 1974 AND MAY 21, 1976
390724	RICHMOND, VILLAGE [JEFFERSON CO.]	AUGUST 22, 1975
390592	RIVERLEA, VILLAGE OF (FRANKLIN COU)	JANUARY 31, 1975
390744	ROCHESTER, VILLAGE [LORAIN CO]	AUGUST 08, 1975
390645A	ROGERS, VILLAGE OF [COLUMBIANA CO.]	MARCH 22, 1974
390033	ROME, VILLAGE [ADAMS CO]	JULY 25, 1975
390627	SABINA, VIL [CLINTON CO]	JULY 25, 1975
390066A	SALEM, CITY OF [COLUMBIANA CO.]	MAY 03, 1974 AND JULY 23, 1976
390706	SARAHSVILLE, VILLAGE OF (NOBLE CO)	MARCH 28, 1975
390371	SEBRING, VILLAGE [MAHONING CO]	AUGUST 08, 1975
390503	SHELBY COUNTY *	DECEMBER 20, 1974
390394A	SHERRODSVILLE, VILLAGE OF [CARROLL CO.]	AUGUST 09, 1974 AND JUNE 04, 1976
390647A	SHREVE, VILLAGE OF [WAYNE CO.]	MARCH 29, 1974
390346	SOMERVILLE, VILLAGE [BUTLER CO]	JULY 25, 1975
390312	SOUTH MOUNT VERNON, VILLAGE OF [KNOX CO.]	JUNE 21, 1974
390465A	SOUTH SALEM, VILLAGE OF [ROSS CO.]	AUGUST 23, 1974
390359A	ST. PARIS, VILLAGE OF [CHAMPAIGN CO.]	JUNE 07, 1974
390546A	SUGAR CREEK, VILLAGE OF [TUSCARAWAS CO.]	MAY 31, 1974 AND JUNE 11, 1976

• UNINCORPORATED AREAS ONLY

COMMUNITY NUMBER	NAME	OHIO	HAZARD AREA IDENTIFIED		
390632	SWANTON, VIL	[FULTON CO.]	JULY	26, 1976	
390755	TONTOGANY, VILLAGE	[WOOD CO.]	APRIL	18, 1975	
390704	UNION, VILLAGE OF	(MONTGOMERY)	FEBRUARY	14, 1975	
390646A	VAN BUREN, VILLAGE OF	[HANCOCK CO.]	MARCH	22, 1974	
390475	VAUGHNSVILLE, TOWN OF	[PUTNAM CO.]	NOVEMBER	15, 1974	
390469A	VERONA, VILLAGE OF	[PREBLE CO.]	OCTOBER	18, 1974	AND
			MAY	28, 1976	
390109	VINTON, VILLAGE OF	[GALLIA CO.]	DECEMBER	27, 1974	
390649A	WAITE HILL, VILLAGE OF	[LAKE CO.]	DECEMBER	17, 1973	AND
			JUNE	25, 1976	
390733	WARSAW, VILLAGE	[COSHOCTON CO.]	APRIL	18, 1975	
390607A	WASHINGTONVILLE, VILLAGE OF	[COLUMBIANA & MAHONING]	NOVEMBER	09, 1973	AND
			JUNE	04, 1976	
390293A	WELLSTON, CITY OF	[JACKSON CO.]	FEBRUARY	15, 1974	AND
			JUNE	11, 1976	
390638	WEST JEFFERSON, VIL	[MADISON CO.]	JULY	25, 1975	
390601	WEST LAFAYETTE, VILLAGE	[COSHOCTON CO.]	JULY	25, 1975	
390672A	WILLIAMSBURG, VILLAGE OF	[CLERMONT CO.]	MARCH	29, 1974	
390522	WILMOT, VILLAGE	[STARK CO.]	AUGUST	08, 1975	
390345A	ZANESFIELD, VILLAGE OF	[LOGAN CO.]	OCTOBER	18, 1974	
390752	ZOAR, VILLAGE	[TUSCARAWAS CO.]	APRIL	18, 1975	

TOTAL IN THE STATE 136

* UNINCORPORATED AREAS ONLY

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
	OKLAHOMA	
400074A	ADDINGTON, TOWN OF [JEFFERSON CO.]	OCTOBER 18, 1974 AND APRIL 16, 1976
400344	ARNETT, TOWN [ELLIS CO.]	AUGUST 15, 1975
400201	BESSIE, TOWN [WASHITA CO.]	AUGUST 15, 1975
400038A	BOSWELL, TOWN OF [CHOCTAW CO.]	MARCH 15, 1974
400264	BRAMAN, TOWN [KAY CO.]	JUNE 27, 1975
400381A	BRISTOW, CITY OF [CREEK CO]	JUNE 28, 1974 AND DECEMBER 26, 1975
400149	BURBANK, TOWN [OSAGE CO]	JANUARY 10, 1975
400175A	BYNG, TOWN OF [PONTOTOC CO.]	AUGUST 30, 1974 AND DECEMBER 05, 1975
400270	CAMARGO, TOWN [DEWEY CO.]	SEPTEMBER 19, 1975
400355	CARMEN, TOWN [ALFALFA CO.]	SEPTEMBER 19, 1975
400330	CEMENT, TOWN [CADDO CO.]	AUGUST 29, 1975
400167A	CHELSEA, CITY OF [ROGERS CO.]	DECEMBER 28, 1973 AND DECEMBER 12, 1975
400183A	CHEYENNE, TOWN OF [ROGER MILLS CO.]	JUNE 28, 1974 AND AUGUST 13, 1976
400225	CORN, TOWN [WASHITA CO]	JANUARY 10, 1975
400122	COUNCIL HILL, TOWN OF [MUSKOGEE CO.]	DECEMBER 13, 1974
400226A	DACOMA, TOWN OF [WOODS CO.]	NOVEMBER 08, 1974 AND DECEMBER 12, 1975
400204A	DAVIDSON, TOWN OF [TILLMAN CO.]	JULY 26, 1974
400229A	FORT SUPPLY, TOWN OF [WOODWARD CO.]	MAY 24, 1974 AND JANUARY 16, 1976
400032	GENE AUTRY, TOWN OF [CARTER CO.]	NOVEMBER 08, 1974
400313A	GREENFIELD, TOWN OF [BLAINE CO.]	AUGUST 30, 1974
400140A	HARRAH, TOWN OF [OKLAHOMA CO.]	AUGUST 02, 1974 AND JUNE 04, 1976
400324A	HYDRO, TOWN OF [CADDO CO.]	JULY 26, 1974 AND DECEMBER 05, 1975
400307	JET, TOWN OF [ALFALFA CO.]	DECEMBER 06, 1974
400270	KANSAS, TOWN [DELAWARE CO.]	SEPTEMBER 26, 1975
400169A	KREBS, CITY OF [PITTSBURG CO.]	DECEMBER 28, 1973 AND JANUARY 09, 1976
400298	LEEDEY, TOWN [DEWEY CO.]	MAY 02, 1975
400096	LOGAN COUNTY *	DECEMBER 27, 1974
400365A	LONE WOLF, TOWN OF [KIOWA CO.]	MAY 03, 1974
400314	LONGDALE, TOWN OF [BLAINE CO.]	DECEMBER 13, 1974
400303	LOYAL, TOWN [KINGFISHER CO]	APRIL 25, 1975
400303	MANNSVILLE, TOWN [JOHNSTON CO.]	SEPTEMBER 26, 1975
400113	MENO, TOWN OF [MAJOR CO.]	NOVEMBER 15, 1974
400308	MILBURN, TOWN [JOHNSTON CO.]	SEPTEMBER 26, 1975
400314	OAKS, TOWN [DELAWARE CO.]	AUGUST 29, 1975
400217A	OKAY, TOWN OF [WAGONER CO.]	AUGUST 16, 1974 AND FEBRUARY 06, 1976
400158	PEORIA, TOWN OF [OTTAWA CO.]	NOVEMBER 22, 1974
400321	RED BIRD, TOWN [WAGONER CO.]	JUNE 27, 1975

• UNINCORPORATED AREAS ONLY

COMMUNITY NUMBER	OKLAHOMA NAME	HAZARD AREA IDENTIFIED
400345	ROCKY, TOWN (WASHITA CO.)	SEPTEMBER 19, 1975
400170	RUFF, CITY OF (PONTOTOC CO.)	MARCH 22, 1974
400088A	ROOSEVELT, TOWN OF (KIOWA CO.)	NOVEMBER 01, 1974 AND
		FEBRUARY 13, 1976
400301A	SHATTUCK, TOWN OF (ELLIS CO.)	MAY 24, 1974 AND
		APRIL 30, 1976
400055A	THOMAS, CITY OF (CUSTER CO.)	APRIL 05, 1974 AND
		APRIL 23, 1976
400180	WANETTE, TOWN OF (POTTAWATOMIE CO.)	DECEMBER 20, 1974
400109	WRIGHT CITY, TOWN (MCCURTAIN CO.)	JANUARY 10, 1975
400454	WYNONA, CITY (OSAGE CO.)	SEPTEMBER 26, 1975
400425	YALE, CITY (PAYNE CO.)	AUGUST 22, 1975
	TOTAL IN THE STATE	46

• UNINCORPORATED AREAS ONLY

OREGON

COMMUNITY NUMBER	NAME		HAZARD AREA IDENTIFIED
410334	HALFWAY, TOWN	[BAKER CO.]	SEPTEMBER 26, 1975
410337	PRESCOTT, CITY	[COLUMBIA CO.]	JANUARY 10, 1975
410100	ST. PAUL, CITY OF	[MARION CO.]	NOVEMBER 22, 1974

TOTAL IN THE STATE 3

• UNINCORPORATED AREAS ONLY

PENNSYLVANIA

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
422508	ADDISON, TOWNSHIP (SOMERSET CO.)	JANUARY 03, 1975
421007	ALEPPO, TOWNSHIP OF (GREENE CO.)	DECEMBER 27, 1974
422529	ALLEGHENY, TOWNSHIP (VENANGO CO.)	JANUARY 17, 1975
422509	ALLEGHENY, TOWNSHIP (SOMERSET CO.)	JANUARY 03, 1975
422341	ALLEGHENY, TOWNSHIP OF (BUTLER CO)	MARCH 28, 1975
421928A	ALLEN, TOWNSHIP OF (NORTHAMPTON CO.)	SEPTEMBER 06, 1974 AND MAY 21, 1976
422301	ASHLAND, TOWNSHIP (CLARION CO.)	JANUARY 10, 1975
422297	ATWOOD, BOROUGH OF (ARMSTRONG CO.)	JANUARY 31, 1975
422428	AYR, TOWNSHIP OF (FULTON COU)	FEBRUARY 07, 1975
422435	BANKS, TOWNSHIP (INDIANA CO.)	JANUARY 17, 1975
421643	BARNETT, TOWNSHIP OF (FOREST CO.)	DECEMBER 27, 1974
422440	BARNETT, TOWNSHIP OF (JEFFERSON CO.)	DECEMBER 27, 1974
421003	BARREE, TOWNSHIP OF (HUNTINGDON CO.)	DECEMBER 06, 1974
422472	BASTRESS, TOWNSHIP OF (LYCOMING COU)	FEBRUARY 07, 1975
421736	BEALE, TOWNSHIP (JUNIATA CO)	DECEMBER 06, 1974
422129A	BEALLSVILLE, BOROUGH OF (WASHINGTON CO.)	DECEMBER 13, 1974 AND JULY 16, 1976
422544	BEAR LAKE, BOROUGH OF (WARREN CO.)	DECEMBER 27, 1974
421547A	BEAVER, TOWNSHIP OF (COLUMBIA CO.)	NOVEMBER 01, 1974 AND JULY 09, 1976
422385	BEAVER, TOWNSHIP OF (CRAWFORD CO)	FEBRUARY 28, 1975
422302	BEAVER, TOWNSHIP (CLARION CO.)	JANUARY 24, 1975
422042A	BEAVER, TOWNSHIP OF (SNYDER CO.)	NOVEMBER 01, 1974 AND JULY 30, 1976
422441	BEAVER, TOWNSHIP (JEFFERSON CO.)	JANUARY 17, 1975
421009	BELFAST, TOWNSHIP OF (FULTON CO.)	DECEMBER 20, 1974
420309A	BELLEVUE, BOROUGH OF (ALLEGHENY CO.)	DECEMBER 28, 1973
422165A	BELL, TOWNSHIP OF (WESTMORELAND CO.)	SEPTEMBER 13, 1974 AND SEPTEMBER 24, 1976
422244A	BELL, TOWNSHIP OF (JEFFERSON CO.)	DECEMBER 13, 1974 AND JULY 23, 1976
422012	BENEZETTE, TOWNSHIP OF (ELK COU)	FEBRUARY 07, 1975
421749	BENTON, TWP (LACKAWANNA CO)	JANUARY 10, 1975
421052A	BETHEL, TOWNSHIP OF (BERKS CO.)	SEPTEMBER 20, 1974 AND MAY 28, 1976
421006	BETHEL, TWP (DELAWARE CO)	JANUARY 24, 1975
421973	BINGHAM, TOWNSHIP OF (POTTER CO.)	NOVEMBER 29, 1974
420462	BIRMINGHAM, BOROUGH OF (HUNTINGDON CO.)	DECEMBER 06, 1974
421709	BLACK LICK, TOWNSHIP OF (INDIANA CO.)	NOVEMBER 15, 1974
422510	BLACK, TOWNSHIP (SOMERSET CO.)	JANUARY 24, 1975
422141A	BLAINE, TOWNSHIP OF (WASHINGTON CO.)	OCTOBER 18, 1974 AND AUGUST 06, 1976
421332	BLOOMFIELD, TOWNSHIP OF (BEDFORD CO.)	JANUARY 31, 1975
421962	BLOOMING GROVE, TOWNSHIP OF (PIKE CO.)	NOVEMBER 08, 1974
421515	BOGGS, TOWNSHIP OF (CLEARFIELD CO.)	NOVEMBER 15, 1974
421301A	BOGGS, TOWNSHIP OF (ARMSTRONG CO.)	AUGUST 30, 1974 AND APRIL 09, 1976
420794A	BOSWELL, BOROUGH OF (SOMERSET CO.)	JULY 26, 1974 AND

* UNINCORPORATED AREAS ONLY

PENNSYLVANIA

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED		
421202	BRADFORD WOODS, BOROUGH OF [ALLEGHENY CO.]	APRIL	16, 1976	
421516	BRADFORD, TOWNSHIP OF [CLEARFIELD CO.]	JANUARY	03, 1975	
421517	BRADY, TOWNSHIP OF [CLEARFIELD CO.]	DECEMBER	06, 1974	
422241A	BRADY, TOWNSHIP OF [BUTLER CO.]	NOVEMBER	15, 1974	
		OCTOBER	25, 1974	AND
422511	BROTHERSVALLEY, TWP [SOMERSET CO.]	SEPTEMBER	03, 1976	
421600	BRUSH CREEK, TOWNSHIP OF [FULTON CO.]	JANUARY	10, 1975	
421710	BRUSH VALLEY, TWP [INDIANA CO.]	MARCH	28, 1975	
421711	BUFFINGTON, TOWNSHIP OF [INDIANA CO.]	JANUARY	03, 1975	
421054A	BURLINGTON, TOWNSHIP OF [BRADFORD CO.]	DECEMBER	27, 1974	
		SEPTEMBER	13, 1974	AND
420276	BURNSIDE, BOROUGH OF [CLEARFIELD CO.]	MAY	07, 1976	
421303A	BURRELL, TOWNSHIP OF [ARMSTRONG CO.]	NOVEMBER	15, 1974	
		SEPTEMBER	20, 1974	AND
421929	BUSHKILL, TOWNSHIP OF [NORTHAMPTON CO.]	JUNE	11, 1976	
422304	CALLENSBURG, BOROUGH OF [CLARION CO.]	NOVEMBER	08, 1974	
420213A	CALLERY, BOROUGH OF [BUTLER CO.]	JANUARY	31, 1975	
422108	CANAL, TOWNSHIP OF [VENANGO CO.]	AUGUST	09, 1974	
421713	CANOE, TWP [INDIANA CO.]	DECEMBER	06, 1974	
421605	CARBON, TWP [HUNTINGDON CO.]	JULY	11, 1975	
420795	CASSELMAN, BOROUGH OF [SOMERSET CO.]	JANUARY	10, 1975	
421656	CASS, TOWNSHIP OF [HUNTINGDON CO.]	NOVEMBER	08, 1974	
420129	CENTERPORT, BOROUGH OF [BERKS CO.]	DECEMBER	27, 1974	
420347	CENTERVILLE, BOROUGH OF [CRAWFORD CO.]	NOVEMBER	22, 1974	
421417A	CENTER, TOWNSHIP OF [BUTLER CO.]	MARCH	28, 1975	
		SEPTEMBER	13, 1974	AND
421056A	CENTRE, TOWNSHIP OF [BERKS CO.]	APRIL	30, 1976	
		NOVEMBER	01, 1974	AND
422251	CHAPMAN, BOROUGH OF [NORTHAMPTON CO.]	NOVEMBER	07, 1975	
422543	CHERRY GROVE, TOWNSHIP OF [WARREN CO.]	NOVEMBER	15, 1974	
422540	CHERRYTREE, TOWNSHIP [VENANGO CO.]	DECEMBER	27, 1974	
422342	CHERRY, TOWNSHIP [BUTLER CO.]	JANUARY	10, 1975	
421805	CHESTNUT HILL, TOWNSHIP OF [MONROE CO.]	JANUARY	10, 1975	
421519	CHEST, TOWNSHIP OF [CLEARFIELD CO.]	NOVEMBER	15, 1974	
422604	CHEST, TOWNSHIP [CAMBRIA CO.]	NOVEMBER	15, 1974	
421974A	CLARA, TOWNSHIP OF [POTTER CO.]	JANUARY	10, 1975	
		OCTOBER	18, 1974	AND
421221A	CLARENDON, BOROUGH [WARREN CO.]	MAY	14, 1976	
		SEPTEMBER	06, 1974	AND
421607	CLAY, TOWNSHIP OF [HUNTINGDON CO.]	MAY	21, 1976	
422343	CLAY, TOWNSHIP [BUTLER CO.]	DECEMBER	13, 1974	
422344	CLEARFIELD, TOWNSHIP [BUTLER CO.]	JANUARY	17, 1975	
421437	CLEARFIELD, TWP [CAMBRIA CO.]	JANUARY	10, 1975	
422377	CLIFFORD, TOWNSHIP OF [SUSQUEHANNA CO.]	JULY	18, 1975	
421751	CLIFTON, TWP [LACKAWANNA CO.]	DECEMBER	27, 1974	
422532	CLINTONVILLE, BOROUGH OF [VENANGO CO.]	JANUARY	24, 1975	
422197	CLINTON, TOWNSHIP OF [WYOMING CO.]	DECEMBER	27, 1974	
422345	CLINTON, TOWNSHIP [BUTLER CO.]	NOVEMBER	29, 1974	
		JANUARY	10, 1975	

• UNINCORPORATED AREAS ONLY

PENNSYLVANIA

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED		
420404	COALMONT, BOROUGH OF (HUNTINGDON CO)	MARCH	28, 1975	
421838	COGAN HOUSE, TOWNSHIP (LYCOMING CO)	APRIL	04, 1975	
422470	COLD SPRING, TOWNSHIP (LEBANON CO.)	APRIL	04, 1975	
421334	COLERAIN, TWP (BEDFORD CO)	JANUARY	03, 1975	
422346	CONCORD, TOWNSHIP (BUTLER CO.)	JANUARY	17, 1975	
421715	CONEMAUGH, TOWNSHIP OF (INDIANA CO.)	DECEMBER	06, 1974	
422406	CONEWAGO, TOWNSHIP OF (DAUPHIN CO.)	DECEMBER	27, 1974	
421301	CONNEAUT, TOWNSHIP OF (ERIE CO.)	DECEMBER	13, 1974	
422357	CONNEAUT, TOWNSHIP (CRAWFORD CO.)	JANUARY	10, 1975	
421623	CONNELLSVILLE, TOWNSHIP OF (FAYETTE CO.)	DECEMBER	20, 1974	
421413	CONNOQUENESSING, BOROUGH OF (BUTLER CO.)	NOVEMBER	15, 1974	
421547	CONYNGHAM, TWP (COLUMBIA CO)	JANUARY	03, 1975	
422100	COOK, TOWNSHIP OF (WESTMORELAND CO.)	SEPTEMBER	20, 1974	
422400	COVINGTON, TOWNSHIP (LACKAWANNA CO.)	JANUARY	10, 1975	
421250	CowanshannocK, TOWNSHIP OF (ARMSTRONG CO.)	SEPTEMBER	13, 1974	
421550A	CRAWFORD, TOWNSHIP OF (CLINTON CO.)	DECEMBER	20, 1974	AND
		MAY	28, 1976	
421428	DALE, BOROUGH OF (CAMBRIA CO)	MARCH	21, 1975	
421317	DARLINGTON, BOROUGH (BEAVER CO)	JANUARY	24, 1975	
421410	DEAN, TOWNSHIP OF (CAMBRIA CO.)	NOVEMBER	08, 1974	
421107A	DECATUR, TOWNSHIP OF (CLEARFIELD CO.)	SEPTEMBER	20, 1974	AND
		JUNE	18, 1976	
422470A	DEER CREEK, TWP (MERCER CO.)	JANUARY	10, 1975	AND
		JULY	16, 1976	
421170A	DEERFIELD, TOWNSHIP OF (TIOGA CO.)	AUGUST	30, 1974	AND
		MAY	21, 1976	
422118	DEERFIELD, TOWNSHIP OF (WARREN CO.)	NOVEMBER	15, 1974	
420690A	DELAWARE WATER GAP, BOROUGH OF (MONROE CO.)	JUNE	21, 1974	AND
		MAY	28, 1976	
421904	DINGMAN, TOWNSHIP OF (PIKE)	FEBRUARY	14, 1975	
422107A	DONEGAL, TOWNSHIP OF (WESTMORELAND CO.)	JUNE	21, 1974	AND
		JULY	02, 1976	
422150	DONEGAL, TOWNSHIP OF (WASHINGTON CO.)	DECEMBER	06, 1974	
421039	DUBLIN, TOWNSHIP OF (HUNTINGDON CO.)	DECEMBER	13, 1974	
421001A	DUDLEY, BOROUGH OF (HUNTINGDON CO.)	NOVEMBER	08, 1974	AND
		NOVEMBER	14, 1975	
422431	DUNKARD, TWP (GREENE CO.)	JANUARY	10, 1975	
421716	E WHEATFIELD, TWP (INDIANA CO)	JANUARY	24, 1975	
422527	EAGLES MERE, BOROUGH (SULLIVAN CO.)	JANUARY	24, 1975	
422202	EAST BANGOR, BOROUGH OF (NORTHAMPTON CO.)	NOVEMBER	15, 1974	
420215A	EAST BUTLER, BOROUGH OF (BUTLER CO.)	JULY	26, 1974	AND
		JULY	16, 1976	
422208	EAST CARROLL, TOWNSHIP OF (CAMBRIA)	FEBRUARY	14, 1975	
422209	EAST CONEMAUGH, BOROUGH OF (CAMBRIA CO.)	NOVEMBER	15, 1974	
422389	EAST FALLOWFIELD, TOWNSHIP (CRAWFORD CO.)	JANUARY	10, 1975	
422147	EAST FINLEY, TOWNSHIP OF (WASHINGTON CO.)	NOVEMBER	29, 1974	
422216	EAST HOPEWELL, TOWNSHIP OF (YORK CO.)	DECEMBER	27, 1974	
422168A	EAST HUNTINGDON, TOWNSHIP OF (WESTMORELAND CO.)	SEPTEMBER	20, 1974	AND

• UNINCORPORATED AREAS ONLY

COMMUNITY NUMBER	NAME	PENNSYLVANIA HAZARD AREA IDENTIFIED		
		MAY	21, 1976	
422430	EAST MAHONING, TOWNSHIP [INDIANA CO.]	JANUARY	17, 1975	
420108A	EAST ROCHESTER, BOROUGH OF [BEAVER CO.]	FEBRUARY	01, 1974	AND
		APRIL	16, 1976	
422300	EAST SIDE, BOROUGH OF [CARBON CO.]	JANUARY	31, 1975	
421337	EAST ST. CLAIR, TOWNSHIP OF [BEDFORD CO]	FEBRUARY	28, 1975	
422314	EASTVALE, BOROUGH OF [BEAVER CO.]	JANUARY	31, 1975	
422348	EAU CLAIRE, BORO [BUTLER CO.]	JANUARY	10, 1975	
420109A	ECONOMY, BOROUGH OF [BEAVER CO.]	APRIL	05, 1974	AND
		JUNE	04, 1976	
421772A	EDEN, TOWNSHIP OF [LANCASTER CO.]	AUGUST	30, 1974	AND
		MAY	07, 1976	
420228A	EHRENFELD, BOROUGH OF [CAMBRIA CO.]	AUGUST	09, 1974	AND
		SEPTEMBER	24, 1976	
421807	ELDRED, TOWNSHIP OF [MONROE CO.]	DECEMBER	06, 1974	
422546	ELDRED, TOWNSHIP [WARREN CO.]	JANUARY	17, 1975	
422443	ELDRED, TOWNSHIP [JEFFERSON CO.]	JANUARY	17, 1975	
422048	ELK LICK, TOWNSHIP OF [SOMERSET CO.]	DECEMBER	27, 1974	
421752A	ELMHURST, TOWN OF [LACKAWANNA CO.]	OCTOBER	18, 1974	AND
		APRIL	30, 1976	
422169A	FAIRFIELD, TOWNSHIP OF [WESTMORELAND CO.]	SEPTEMBER	06, 1974	AND
		MAY	21, 1976	
422049	FAIRHOPE, TOWNSHIP OF [SOMERSET CO.]	NOVEMBER	15, 1974	
421805	FAIRVIEW, TOWNSHIP OF [MERCER CO.]	NOVEMBER	29, 1974	
422578	FOREST LAKE, TWP [SUSQUEHANNA CO.]	JANUARY	24, 1975	
421419A	FORWARD, TOWNSHIP OF [BUTLER CO.]	SEPTEMBER	13, 1974	AND
		APRIL	16, 1976	
421502	FOXBURG, BOROUGH OF [CLARION CO.]	DECEMBER	20, 1974	
422315	FRANKFURT SPRINGS, BORO [BEAVER CO.]	JANUARY	17, 1975	
422593	FRANKLIN, BOROUGH OF [CAMBRIA CO.]	JANUARY	10, 1975	
422238	FRANKLIN, TOWNSHIP OF [CHESTER CO.]	NOVEMBER	29, 1974	
422350	FRANKLIN, TOWNSHIP [BUTLER CO.]	JANUARY	24, 1975	
422595	FRANKLIN, TOWNSHIP [GREENE CO]	JANUARY	03, 1975	
422573	FRANKLIN, TOWNSHIP OF [HUNTINGDON CO.]	DECEMBER	27, 1974	
422121	FREEHOLD, TWP [WARREN CO]	JANUARY	24, 1975	
422452	FREEPORT, TWP [GREENE CO.]	JANUARY	03, 1975	
422110	FRENCH CREEK, TOWNSHIP OF [VENANGO CO.]	NOVEMBER	22, 1974	
421537	GALLAGHER, TOWNSHIP OF [CLINTON CO]	FEBRUARY	21, 1975	
421627	GERMAN, TWP [FAYETTE CO]	JANUARY	03, 1975	
422453A	GILMORE, TWP [GREENE CO.]	JANUARY	10, 1975	AND
		SEPTEMBER	03, 1976	
420112A	GLASGOW, BOROUGH OF [BEAVER CO.]	AUGUST	16, 1974	AND
		APRIL	30, 1976	
422437	GLEN CAMPBELL, BORO [INDIANA CO.]	JANUARY	24, 1975	
420305A	GLEN HOPE, BOROUGH OF [CLEARFIELD CO.]	DECEMBER	20, 1974	AND
		JUNE	04, 1976	
421717	GRANT, TOWNSHIP OF [INDIANA CO.]	JANUARY	31, 1975	

• UNINCORPORATED AREAS ONLY

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
	PENNSYLVANIA	
421670A	GREENE, TWP [GREENE CO]	JANUARY 17, 1975 AND MAY 14, 1976
421305	GREENFIELD, TOWNSHIP OF [ERIE CO.]	DECEMBER 06, 1974
422456	GREENFIELD, TOWNSHIP [LACKAWANNA CO.]	JANUARY 10, 1975
422512	GREENVILLE, TOWNSHIP [SOMERSET CO,]	APRIL 04, 1975
421523	GREENWOOD, TOWNSHIP OF [CLEARFIELD CO.]	DECEMBER 20, 1974
422390	GREENWOOD, TOWNSHIP [CRAWFORD CO.]	JANUARY 17, 1975
421644	GREEN, TWP [FOREST CO]	JANUARY 24, 1975
421539A	GRUGAN, TOWNSHIP OF [CLINTON CO.]	NOVEMBER 08, 1974 AND JULY 23, 1976
421888	HAMILTON, TOWNSHIP OF [MONROE CO.]	NOVEMBER 22, 1974
421223	HANOVER, TOWNSHIP OF [BEAVER CO.]	SEPTEMBER 06, 1974
422381A	HARFORD, TOWNSHIP OF [SUSQUEHANNA CO.]	SEPTEMBER 20, 1974 AND MAY 28, 1976
422528	HARTLETON, BOROUGH OF [UNION CO.]	DECEMBER 27, 1974
421728	HEATH, TOWNSHIP OF [JEFFERSON CO.]	DECEMBER 06, 1974
421609A	HEIDELBERG, TOWNSHIP OF [BERKS CO.]	DECEMBER 06, 1974 AND JUNE 04, 1976
421399	HERRICK, TWP [BRADFORD CO]	APRIL 04, 1975
422289	HIGHLAND, TOWNSHIP OF [CHESTER CO,]	NOVEMBER 29, 1974
422319	HOOKSTOWN, BOROUGH OF (BEAVER CO.)	JANUARY 31, 1975
421501	HOPEWELL, TOWNSHIP OF [CUMBERLAND CO.]	DECEMBER 27, 1974
421690	HOPEWELL, TOWNSHIP OF [HUNTINGDON CO.]	DECEMBER 06, 1974
421010A	HORTON, TOWNSHIP OF [ELK CO.]	SEPTEMBER 13, 1974 AND AUGUST 06, 1976
420307A	HOUTZDALE, BOROUGH OF [CLEARFIELD CO.]	MAY 17, 1974
421525	HUSTON, TOWNSHIP OF [CLEARFIELD CO.]	DECEMBER 20, 1974
421323A	INDEPENDENCE, TOWNSHIP OF [BEAVER CO.]	AUGUST 30, 1974 AND JUNE 18, 1976
420368A	IRVONA, BOROUGH OF [CLEARFIELD CO.]	APRIL 12, 1974
422534	IRWIN, TOWNSHIP OF (VENANGO CO.)	JANUARY 31, 1975
420502A	JACKSONVILLE, BOROUGH OF [INDIANA CO.]	DECEMBER 13, 1974 AND MAY 21, 1976
421593	JACKSON, TOWNSHIP OF (DAUPHIN CO.)	JANUARY 31, 1975
421671A	JACKSON, TOWNSHIP OF [GREENE CO.]	DECEMBER 20, 1974 AND JUNE 04, 1976
421552	JACKSON, TOWNSHIP OF [COLUMBIA CO.]	DECEMBER 13, 1974
421691	JACKSON, TOWNSHIP OF [HUNTINGDON CO.]	DECEMBER 13, 1974
422601	JACKSON, TOWNSHIP OF (LYCOMING CO)	MARCH 28, 1975
422535	JACKSON, TOWNSHIP [VENANGO CO.]	JANUARY 24, 1975
421869	JACKSON, TWP [MONROE CO]	JANUARY 03, 1975
421421A	JEFFERSON, TOWNSHIP OF [BUTLER CO.]	NOVEMBER 01, 1974 AND JUNE 25, 1976
422457	JEFFERSON, TOWNSHIP [LACKAWANNA CO.]	JANUARY 03, 1975
421629	JEFFERSON, TWP [LAFAYETTE CO]	JANUARY 03, 1975
422422	JENKS, TOWNSHIP [FOREST CO.]	JANUARY 17, 1975
422514	JENNERSTOWN, BOROUGH OF [SOMERSET CO.]	DECEMBER 27, 1974
422303	JORDAN, TOWNSHIP (CLEARFIELD CO)	JANUARY 17, 1975

• UNINCORPORATED AREAS ONLY

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
	PENNSYLVANIA	
420216	KARNS CITY, BOROUGH OF [BUTLER CO.]	NOVEMBER 08, 1974
421526	KARTHAUS, TOWNSHIP OF [CLEARFIELD CO.]	NOVEMBER 29, 1974
421981	KEATING, TOWNSHIP OF [POTTER CO.]	NOVEMBER 22, 1974
422423	KINGSLEY, TOWNSHIP OF [FOREST CO.]	DECEMBER 27, 1974
421342	KING, TOWNSHIP OF (BEDFORD CO.)	JANUARY 31, 1975
421209A	KISKIMINETAS, TOWNSHIP OF [ARMSTRONG CO.]	SEPTEMBER 20, 1974 AND MAY 21, 1976
421730	KNOX, TOWNSHIP OF [JEFFERSON CO.]	DECEMBER 20, 1974
422403	LAKE, TOWNSHIP OF (MERCER CO.)	JANUARY 31, 1975
421422A	LANCASTER, TOWNSHIP OF [BUTLER CO.]	SEPTEMBER 06, 1974 AND MAY 07, 1976
422057	LAPORTE, BOROUGH OF [SULLIVAN CO.]	DECEMBER 20, 1974
422515	LARIMER, TOWNSHIP [SOMERSET CO.]	JANUARY 10, 1975
422005	LATHROP, TOWNSHIP OF [SUSQUEHANNA CO.]	NOVEMBER 29, 1974
421454	LAUSANNE, TWP [CARBON CO]	JANUARY 03, 1975
422334	LE RAYSVILLE, BORO [BRADFORD CO.]	JANUARY 24, 1975
422507	LEBANON, TWP [WAYNE CO.]	JANUARY 03, 1975
421540A	LEIDY, TOWNSHIP OF [CLINTON CO.]	DECEMBER 20, 1974 AND MAY 28, 1976
422200	LEMON, TOWNSHIP OF [WYOMING CO.]	NOVEMBER 29, 1974
422086	LENOX, TOWNSHIP OF [SUSQUEHANNA CO.]	DECEMBER 20, 1974
422425	LETTERKENNY, TOWNSHIP OF [FRANKLIN CO.]	DECEMBER 20, 1974
421002A	LICKING CREEK, TOWNSHIP OF [FULTON CO.]	DECEMBER 20, 1974 AND APRIL 30, 1976
422308	LICKING, TOWNSHIP [CLARION CO.]	JANUARY 24, 1975
421430A	LILLY, BOROUGH OF [CAMBRIA CO.]	NOVEMBER 01, 1974 AND JUNE 04, 1976
422588	LIMESTONE, TOWNSHIP [LYCOMING CO]	JANUARY 24, 1975
422547	LIMESTONE, TOWNSHIP OF (WARREN CO.)	DECEMBER 27, 1974
422516	LINCOLN, TOWNSHIP [SOMERSET CO.]	JANUARY 10, 1975
421093	LINCOLN, TWP [HUNTINGDON CO]	JANUARY 03, 1975
421533	LOGANTON, BOROUGH OF [CLINTON CO.]	NOVEMBER 08, 1974
421694	LOGAN, TOWNSHIP OF [HUNTINGDON CO.]	DECEMBER 06, 1974
421502	LOWER MIFFLIN, TOWNSHIP OF [CUMBERLAND CO.]	DECEMBER 27, 1974
422253	LOWER NAZARETH, TOWNSHIP OF [NORTHAMPTON CO.]	NOVEMBER 15, 1974
422517	LOWER TURKEYFOOT, TWP [SOMERSET CO.]	JANUARY 24, 1975
421030	LOWER TYRONE, TOWNSHIP OF [FAYETTE CO.]	DECEMBER 06, 1974
421811	LOWHILL, TOWNSHIP OF [LEHIGH CO.]	DECEMBER 20, 1974
420309	LUMBER CITY, BOROUGH (CLEARFIELD CO)	FEBRUARY 14, 1975
421755	MADISON, TWP [LACKAWANNA CO]	JANUARY 03, 1975
420310A	MAHAFFEY, BOROUGH OF [CLEARFIELD CO.]	AUGUST 30, 1974 AND APRIL 23, 1976
421554	MAIN, TOWNSHIP OF (COLUMBIA CO)	FEBRUARY 28, 1975
421325	MANNS CHOICE, BOROUGH OF [BEDFORD CO.]	DECEMBER 13, 1974
420219A	MARION TWP [BUTLER CO]	JUNE 02, 1974 AND JULY 02, 1976
421935	MCEWENSVILLE, BOROUGH OF [NORTHUMBERLAND CO.]	DECEMBER 27, 1974
421661	MENNO, TOWNSHIP OF [MIFFLIN CO.]	NOVEMBER 22, 1974

• UNINCORPORATED AREAS ONLY

PENNSYLVANIA

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED	
422352	MERCER, TOWNSHIP (BUTLER CO.)	JANUARY 10, 1975	
422044	MEYERSDALE, BOROUGH OF (SOMERSET CO.)	NOVEMBER 15, 1974	
421443	MIDDLE TAYLOR, TOWNSHIP OF (CAMBRIA CO.)	NOVEMBER 22, 1974	
422516	MIDDLECREEK, TOWNSHIP (SOMERSET CO.)	JANUARY 03, 1975	
422519	MILFORD, TOWNSHIP (SOMERSET CO.)	JANUARY 03, 1975	
421871A	MILL CREEK, TOWNSHIP OF (MERCER CO.)	DECEMBER 20, 1974	
421695	MILLER, TOWNSHIP OF (HUNTINGDON CO.)	NOVEMBER 29, 1974	
421954	MILLER, TWP (PERRY CO)	JANUARY 17, 1975	
421013	MILLSTONE, TOWNSHIP OF (ELK CO)	MARCH 21, 1975	
422500	MINERAL, TOWNSHIP OF (VENANGO CO.)	JANUARY 31, 1975	
421673	MONONGAHELA, TWP (GREENE CO)	JULY 11, 1975	
421744	MONROE, TOWNSHIP (JUNIATA CO)	JANUARY 10, 1975	
422426	MONTGOMERY, TOWNSHIP OF (FRANKLIN CO.)	DECEMBER 13, 1974	
421719	MONTGOMERY, TWP (INDIANA CO)	JANUARY 03, 1975	
421674	MORGAN, TOWNSHIP OF (GREENE CO.)	NOVEMBER 01, 1974	
421696	MORRIS, TOWNSHIP OF (HUNTINGDON CO.)	NOVEMBER 22, 1974	
420692	MT. POCONO, BOROUGH OF (MONROE CO.)	JANUARY 24, 1975	
421647A	MUNCY, TOWNSHIP (LYCOMING CO)	DECEMBER 20, 1974 AND JULY 30, 1976	
422203	MUNSTER, TOWNSHIP OF (CAMBRIA CO.)	NOVEMBER 22, 1974	
421348	NAPIER, TOWNSHIP OF (BEDFORD CO.)	JANUARY 31, 1975	
420869A	NEW ALEXANDRIA, BOROUGH OF (WESTMORELAND CO.)	JUNE 28, 1974 AND OCTOBER 17, 1975	
420799	NEW BALTIMORE, BOROUGH OF (SOMERSET CO.)	NOVEMBER 08, 1974	
422012	NEW CASTLE, TOWNSHIP OF (SCHUYLKILL CO.)	DECEMBER 27, 1974	
422322	NEW GALILEE, BOROUGH OF (BEAVER CO.)	JANUARY 31, 1975	
422484	NEW LEBANON, BORO (MERCER CO.)	JANUARY 24, 1975	
422485	NEW VERNON, TOWNSHIP OF (MERCER CO.)	JANUARY 31, 1975	
420312A	NEW WASHINGTON, BOROUGH OF (CLEARFIELD CO.)	DECEMBER 20, 1974 AND JUNE 04, 1976	
420311	NEWBURG, BOROUGH OF (CLEARFIELD CO.)	NOVEMBER 29, 1974	
421795	NORTH BEAVER, TOWNSHIP OF (LAWRENCE)	FEBRUARY 14, 1975	
422102	NORTH BELLE VERNON, BOROUGH OF (WESTMORELAND CO.	NOVEMBER 29, 1974	
422203	NORTH BRANCH, TOWNSHIP OF (WYOMING CO.)	NOVEMBER 29, 1974	
421885A	NORTH FAYETTE, TWP (ALLEGHENY CO)	SEPTEMBER 20, 1974 AND JUNE 18, 1976	
421880A	NORTH HEIDELBERG, TOWNSHIP OF (BERKS CO.)	SEPTEMBER 13, 1974 AND SEPTEMBER 24, 1976	
422408	NORTH MAHONING, TWP (INDIANA CO.)	JANUARY 10, 1975	
422204	NORTH MORELAND, TOWNSHIP OF (WYOMING CO.)	NOVEMBER 15, 1974	
422354	OAKLAND, TOWNSHIP (BUTLER CO.)	JANUARY 10, 1975	
422111	OAKLAND, TOWNSHIP OF (VENANGO CO.)	DECEMBER 13, 1974	
421615A	OHIOPYLE, BOROUGH OF (FAYETTE CO.)	JANUARY 31, 1975 AND MARCH 19, 1976	
421732	OLIVER, TOWNSHIP OF (JEFFERSON CO.)	DECEMBER 13, 1974	
421401	ORWELL, TWP (BRADFORD CO)	JANUARY 24, 1975	
420313A	OSCEOLA MILLS, BOROUGH OF (CLEARFIELD CO.)	MARCH 29, 1974	
421860	OTTO, TOWNSHIP OF (MCKEAN CO.)	NOVEMBER 15, 1974	
422568	OVERFIELD, TOWNSHIP OF (WYOMING CO.)	DECEMBER 27, 1974	

• UNINCORPORATED AREAS ONLY

PENNSYLVANIA

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
421402A	OVERTON, TOWNSHIP OF (BRADFORD CO.)	AUGUST 30, 1974 AND AUGUST 06, 1976
421966	PALMYRA, TOWNSHIP OF (PIKE CO.)	DECEMBER 13, 1974
421891	PARADISE, TWP OF (MONROE CO)	APRIL 11, 1975
421219A	PARKER, TOWNSHIP OF (BUTLER CO.)	SEPTEMBER 20, 1974 AND JULY 16, 1976
422325	PATTERSON HEIGHTS, BORO OF (BEAVER CO.)	JANUARY 17, 1975
422496	PENNSBURG, BOROUGH OF (MONTGOMERY CO.)	DECEMBER 27, 1974
421648	PENN, TOWNSHIP (LYCOMING CO)	NOVEMBER 01, 1974
421530	PENN, TOWNSHIP OF (CLEARFIELD CO.)	NOVEMBER 29, 1974
422444	PERRY, TOWNSHIP (JEFFERSON CO.)	JANUARY 10, 1975
420258	PERRY, TWP OF (SNYDER CO)	JANUARY 03, 1975
420241	PETROLIA, BOROUGH OF (BUTLER CO.)	NOVEMBER 22, 1974
421403A	PIKE, TOWNSHIP OF (BRADFORD CO.)	NOVEMBER 01, 1974 AND AUGUST 20, 1976
421190A	PIKE, TOWNSHIP OF (CLEARFIELD CO.)	SEPTEMBER 06, 1974 AND SEPTEMBER 10, 1976
422445	PINECREEK, TOWNSHIP (JEFFERSON CO.)	JANUARY 24, 1975
422538	PINEGROVE, TOWNSHIP (VENANGO CO.)	JANUARY 24, 1975
421720	PINE, TWP OF (INDIANA CO)	JANUARY 03, 1975
421984	PLEASANT VALLEY, TOWNSHIP OF (POTTER CO.)	NOVEMBER 29, 1974
421327	PLEASANTVILLE, BOROUGH OF (BEDFORD CO.)	NOVEMBER 29, 1974
421313A	PLUM CREEK, TOWNSHIP OF (ARMSTRONG CO.)	SEPTEMBER 06, 1974 AND JUNE 18, 1976
420504A	PLUMVILLE, BOROUGH OF (INDIANA CO.)	AUGUST 09, 1974 AND OCTOBER 10, 1975
422539	PLUM, TOWNSHIP (VENANGO CO.)	JANUARY 24, 1975
421733	POLK, TOWNSHIP OF (JEFFERSON CO.)	DECEMBER 06, 1974
421985	PORTAGE, TOWNSHIP OF (POTTER CO.)	DECEMBER 13, 1974
422355	PORTERSVILLE, BORO (BUTLER CO.)	JANUARY 10, 1975
422446	PORTER, TOWNSHIP OF (JEFFERSON)	FEBRUARY 14, 1975
422327	POTTER, TOWNSHIP OF (BEAVER CO.)	DECEMBER 13, 1974
421655	QUINCY, TOWNSHIP OF (FRANKLIN CO.)	DECEMBER 27, 1974
421721	RAYNE, TWP OF (INDIANA CO)	JANUARY 17, 1975
421445	READE, TOWNSHIP OF (CAMBRIA CO.)	DECEMBER 06, 1974
421315	REDBANK, TOWNSHIP OF (ARMSTRONG CO.)	DECEMBER 06, 1974
422540	RICHLAND, TOWNSHIP (VENANGO CO.)	JANUARY 24, 1975
422375	RICHLAND, TOWNSHIP (CLARION CO.)	JANUARY 17, 1975
422447	RINGGOLD, TOWNSHIP (JEFFERSON CO.)	JANUARY 03, 1975
421557A	ROARING CREEK, TOWNSHIP OF (COLUMBIA CO.)	DECEMBER 13, 1974, AND SEPTEMBER 03, 1976
422113	ROCKLAND, TWP OF (VENANGO CO)	JANUARY 10, 1975
422345	ROCKWOOD, BOROUGH OF (SOMERSET CO.)	DECEMBER 06, 1974
422255	ROSETO, BOROUGH OF (NORTHAMPTON CO.)	NOVEMBER 15, 1974
420326	ROSEVILLE, BOROUGH OF (TIOGA CO.)	DECEMBER 13, 1974
421734A	ROSE, TOWNSHIP OF (JEFFERSON CO.)	SEPTEMBER 20, 1974 AND JUNE 18, 1976
422302	RURAL VALLEY, BORO (ARMSTRONG CO.)	JANUARY 24, 1975
422376	SALEM, TOWNSHIP (CLARION CO.)	JANUARY 10, 1975

• UNINCORPORATED AREAS ONLY

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
	PENNSYLVANIA	
422192A	SALEM, TOWNSHIP OF (WESTMORELAND CO.)	SEPTEMBER 20, 1974 AND JUNE 25, 1976
420492	SALTILLO, BOROUGH OF (HUNTINGTON CO.)	JANUARY 31, 1975
420503	SALTSBURG, BORO (INDIANA CO.)	APRIL 18, 1975
421874	SANDY LAKE, TOWNSHIP OF (MERCER CO.)	DECEMBER 13, 1974
422357	SAXONBURG, BOROUGH OF (BUTLER CO.)	DECEMBER 27, 1974
421757	SCOTT, TOWNSHIP OF (LACKAWANNA CO.)	DECEMBER 27, 1974
422542A	SCRUBGRASS, TOWNSHIP OF (VENANGO CO.)	FEBRUARY 28, 1975
420371B	SEWICKLEY HTS, BORO (ALLEGHENY CO.)	MARCH 22, 1974 AND MAY 17, 1974 AND JUNE 04, 1976
420302	SHANKSVILLE, BOROUGH OF (SOMERSET CO.)	NOVEMBER 15, 1974
421509A	SHIPPENSBURG, TWP (CUMBERLAND CO.)	SEPTEMBER 06, 1974 AND JUNE 25, 1976
420117A	SHIPPING PORT, BOROUGH OF (BEAVER CO.)	FEBRUARY 01, 1974 AND MAY 14, 1976
422308	SILVERDALE, BORO (BUCKS CO.)	JANUARY 03, 1975
421347	SNAKE SPRING, TWP (BEDFORD CO.)	JANUARY 24, 1975
421214A	SOUTH BEND, TOWNSHIP OF (ARMSTRONG CO.)	SEPTEMBER 20, 1974 AND MAY 14, 1976
420190A	SOUTH BETHLEHEM, BOROUGH OF (ARMSTRONG CO.)	JUNE 28, 1974
421619	SOUTH CONNELLSVILLE, BOROUGH OF (FAYETTE CO.)	NOVEMBER 08, 1974
422330	SOUTH HEIGHTS, BOROUGH OF (BEAVER CO.)	JANUARY 31, 1975
422194A	SOUTH HUNTINGDON, TOWNSHIP OF (WESTMORELAND CO.)	AUGUST 09, 1974 AND SEPTEMBER 10, 1976
422439	SOUTH MAHONING, TWP (INDIANA CO.)	JANUARY 24, 1975
421500	SOUTH NEWTON, TOWNSHIP OF (CUMBERLAND CO.)	DECEMBER 27, 1974
421351	SOUTHAMPTON, TOWNSHIP OF (BEDFORD CO.)	FEBRUARY 07, 1975
422523	SOUTHAMPTON, TOWNSHIP OF (SOMERSET CO.)	DECEMBER 27, 1974
421507	SOUTHAMPTON, TOWNSHIP OF (CUMBERLAND CO.)	DECEMBER 27, 1974
422147	SOUTHWEST, TOWNSHIP OF (WARREN CO.)	NOVEMBER 22, 1974
421614	SPRING CREEK, TOWNSHIP OF (ELK CO.)	DECEMBER 06, 1974
421677	SPRINGHILL, TWP (GREENE CO.)	APRIL 11, 1975
421570A	SPRING, TOWNSHIP OF (CRAWFORD CO.)	MAY 31, 1974 AND JULY 09, 1976
421795	SPRUCE HILL, TOWNSHIP OF (JUNIATA CO.)	NOVEMBER 22, 1974
421406A	STANDING STONE, TOWNSHIP OF (BRADFORD CO.)	SEPTEMBER 20, 1974 AND AUGUST 20, 1976
421407A	STEVENS, TOWNSHIP OF (BRADFORD CO.)	NOVEMBER 01, 1974 AND JUNE 25, 1976
420152	STRAUSSTOWN, BORO (BERKS CO.)	JANUARY 24, 1975
421328	ST. CLAIRSVILLE, BOROUGH OF (BEDFORD CO.)	JANUARY 31, 1975
422191A	ST. CLAIR, TOWNSHIP OF (WESTMORELAND CO.)	SEPTEMBER 20, 1974 AND JUNE 18, 1976
422489	SUGAR GROVE, TOWNSHIP OF (MERCER CO.)	JANUARY 31, 1975
422549	SUGAR GROVE, TOWNSHIP (WARREN CO.)	JANUARY 24, 1975
421598	SUGARLOAF, TWP (COLUMBIA CO.)	APRIL 04, 1975
422399	SUMMERHILL, TOWNSHIP OF (CRAWFORD CO.)	JANUARY 31, 1975
422056	SUMMIT, TWP (SOMERSET CO.)	JANUARY 03, 1975

• UNINCORPORATED AREAS ONLY

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
	PENNSYLVANIA	
421990	SYLVANIA, TOWNSHIP OF (POTTER CO.)	DECEMBER 06, 1974
422397	S. SHENANGO, TOWNSHIP (CRAWFORD CO.)	JANUARY 03, 1975
421469A	TAYLOR, TOWNSHIP OF (CENTRE CO.)	DECEMBER 20, 1974 AND MAY 28, 1976
422339	TELFORD, BOROUGH OF (MONTGOMERY CO.)	JANUARY 10, 1975
421604	THOMPSON, TOWNSHIP (FULTON CO.)	DECEMBER 13, 1974
422576	THREE SPRINGS, BORO (HUNTINGDON CO.)	JANUARY 24, 1975
422448	TIMBLIN, BORO (JEFFERSON CO.)	JANUARY 24, 1975
420468A	TIONESTA, TOWNSHIP OF (FOREST CO.)	NOVEMBER 29, 1974 AND JUNE 25, 1976
421143A	TOWANDA, TOWNSHIP OF (BRADFORD CO.)	JULY 26, 1974 AND JUNE 18, 1976
422550	TRIUMPH, TWP (WARREN CO.)	JANUARY 17, 1975
420315	TROUTVILLE, BOROUGH OF (CLEARFIELD CO.)	DECEMBER 06, 1974
421115	TULPEHOCKEN, TOWNSHIP OF (BERKS CO.)	NOVEMBER 08, 1974
421898	TUNKHANNUCK, TOWNSHIP OF (MONROE CO.)	JANUARY 31, 1975
421901	TYRONE, TOWNSHIP OF (PERRY CO.)	JANUARY 31, 1975
422564	UNIONDALE, BORO (SUSQUEHANNA CO.)	JANUARY 24, 1975
421373A	UNION, TOWNSHIP OF (CRAWFORD CO.)	AUGUST 30, 1974 AND MAY 21, 1976
422430	UNION, TOWNSHIP OF (FULTON CO.)	DECEMBER 27, 1974
422449	UNION, TOWNSHIP OF (JEFFERSON CO.)	DECEMBER 27, 1974
421704	UNION, TOWNSHIP (HUNTINGDON CO)	DECEMBER 06, 1974
421531	UNION, TWP (CLEARFIELD CO)	JANUARY 17, 1975
421118	UPPER BERN, TOWNSHIP OF (BERKS CO.)	SEPTEMBER 20, 1974
421934	UPPER NAZARETH, TOWNSHIP OF (NORTHAMPTON CO.)	DECEMBER 27, 1971
422525	UPPER TURKEYFOOT, TOWNSHIP OF (SOMERSET CO.)	DECEMBER 27, 1974
421120	UPR TULPEHOCKEN, TWP(BERKS CO)	JANUARY 10, 1975
420841A	UTICA, BOROUGH OF (VENANGO CO.)	AUGUST 16, 1974 AND MAY 28, 1976
421620	VANDERBILT, BOROUGH OF (FAYETTE CO.)	JANUARY 31, 1975
421748	VANDLING, BOROUGH OF (LACKAWANNA)	FEBRUARY 14, 1975
420355A	VENANGO, BOROUGH OF (CRAWFORD CO.)	AUGUST 30, 1974
422359	VENANGO, TOWNSHIP (BUTLER CO.)	JANUARY 24, 1975
421574A	VENANGO, TOWNSHIP OF (CRAWFORD CO.)	MAY 31, 1974 AND JUNE 11, 1976
422543	VICTORY, TOWNSHIP OF (VENANGO CO.)	JANUARY 31, 1975
421577	W FALLOWFIELD, TWP (CRAWFORD CO)	JANUARY 17, 1975
422577	WALKER, TWP (HUNTINGDON CO.)	JANUARY 10, 1975
420316	WALLACETON, BOROUGH OF (CLEARFIELD CO.)	NOVEMBER 08, 1974
420862	WALL, BOROUGH OF (ALLEGHENY CO.)	APRIL 25, 1975
421408	WARREN, TOWNSHIP OF (BRADFORD CO.)	JANUARY 31, 1975
422232	WARRINGTON, TOWNSHIP (YORK CO)	DECEMBER 27, 1974
421705	WARRIORS MARK, TWP (HUNTINGDON CO)	JANUARY 17, 1975
422490	WARSAW, TOWNSHIP (JEFFERSON CO.)	JANUARY 17, 1975
422196A	WASHINGTON, TOWNSHIP OF (WESTMORELAND CO.)	SEPTEMBER 06, 1974 AND MAY 28, 1976
422378	WASHINGTON, TOWNSHIP (CLARION CO.)	JANUARY 17, 1975
420224A	WASHINGTON, TOWNSHIP OF (BUTLER CO.)	SEPTEMBER 13, 1974 AND

* UNINCORPORATED AREAS ONLY *

PENNSYLVANIA

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED		
422408	WASHINGTON, TOWNSHIP OF (LAWRENCE COU)	MAY	21, 1976	
422207	WASHINGTON, TOWNSHIP OF (WYOMING CO.)	FEBRUARY	07, 1975	
421317	WASHINGTON, TOWNSHIP OF (ARMSTRONG CO.)	DECEMBER	06, 1974	
421383	WASHINGTON, TOWNSHIP OF (BERKS CO.)	NOVEMBER	15, 1974	
421678	WASHINGTON, TOWNSHIP OF (GREENE CO.)	NOVEMBER	22, 1974	
421448	WASHINGTON, TOWNSHIP OF (CAMBRIA CO.)	NOVEMBER	01, 1974	
421722	WASHINGTON, TWP (INDIANA CO)	NOVEMBER	22, 1974	
422581	WATSON, TWP (WARREN CO.)	DECEMBER	22, 1974	
421679	WAYNE, TOWNSHIP OF (GREENE CO.)	JANUARY	10, 1975	
422327	WAYNE, TOWNSHIP OF (SCHUYLKILL CO.)	DECEMBER	27, 1974	
421579	WAYNE, TWP (DAUPHIN CO)	NOVEMBER	29, 1974	
422526	WELLERSBURG, BOROUGH OF (SOMERSET CO.)	JANUARY	17, 1975	
421760A	WEST ABLINGTON, TOWNSHIP OF (LACKAWANNA CO.)	JANUARY	31, 1975	
		DECEMBER	20, 1974	AND
422507	WEST BEAVER, TWP (SNYDER CO.)	JUNE	18, 1976	
422156	WEST BETHLEHEM, TOWNSHIP OF (WASHINGTON CO.)	JANUARY	24, 1975	
422026	WEST BRUNSWICK, TWP (SCHUYLKILL CO)	NOVEMBER	29, 1974	
422106	WEST BUFFALO, TOWNSHIP OF (UNION CO.)	JANUARY	10, 1975	
422505	WEST FINLEY, TOWNSHIP OF (WASHINGTON CO.)	NOVEMBER	01, 1974	
422304	WEST FRANKLIN, TWP (ARMSTRONG CO.)	DECEMBER	27, 1974	
421542	WEST KEATING, TOWNSHIP OF (CLINTON CO.)	JANUARY	10, 1975	
421723	WEST MAHONING, TWP (INDIANA CO)	DECEMBER	06, 1974	
422049	WEST PENN, TOWNSHIP OF (SCHUYLKILL CO.)	JANUARY	24, 1975	
421143A	WEST ROCKHILL, TOWNSHIP OF (BUCKS CO.)	NOVEMBER	15, 1974	
422402	WEST SHENANGO, TOWNSHIP (CRAWFORD CO.)	SEPTEMBER	13, 1974	
421450	WEST TAYLOR, TOWNSHIP OF (CAMBRIA CO.)	JANUARY	17, 1975	
421801	WETMORE, TWP (MCKEAN CO)	NOVEMBER	22, 1974	
421680A	WHITELEY, TOWNSHIP OF (GREENE CO.)	JULY	25, 1975	
		DECEMBER	27, 1974	AND
422258	WHITE, TOWNSHIP OF (CAMBRIA CO.)	APRIL	30, 1976	
421215A	WINSLOW, TWP (JEFFERSON CO)	NOVEMBER	22, 1974	
		SEPTEMBER	20, 1974	AND
420157A	WOMELSDORF, BOROUGH OF (BERKS CO.)	MAY	14, 1976	
421330	WOODBURY, BOROUGH OF (BEDFORD CO.)	MAY	24, 1974	
421355A	WOODBURY, TOWNSHIP OF (BEDFORD CO.)	DECEMBER	06, 1974	
		JANUARY	31, 1975	AND
422403	WOODCOCK, BOROUGH OF (CRAWFORD CO.)	MAY	21, 1976	
421532	WOODWARD, TOWNSHIP OF (CLEARFIELD CO.)	SEPTEMBER	13, 1974	
422306	WORTHINGTON, BORO (ARMSTRONG CO.)	DECEMBER	27, 1974	
422492	WORTH, TWP (MERCER CO.)	DECEMBER	27, 1974	
420946A	YORK HAVEN, BOROUGH OF (YORK CO.)	JANUARY	24, 1975	
		JANUARY	23, 1974	AND
		MARCH	19, 1976	

TOTAL IN THE STATE 438

• UNINCORPORATED AREAS ONLY

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
	SOUTH CAROLINA	
450201	ALLENDALE COUNTY •	NOVEMBER 29, 1974
450222A	ATLANTIC BEACH, TOWN OF	AUGUST 23, 1974
450203	BAMBERG COUNTY •	NOVEMBER 29, 1974
450204	BARNWELL COUNTY •	DECEMBER 20, 1974
450116	BETHUNE, TOWN [KERSHAW CO]	JULY 18, 1975
450032	CAMERON, TOWN [CALHOUN CO]	JANUARY 03, 1975
450077	CONWAY, TOWN OF [FLORENCE CO.]	OCTOBER 25, 1974
450124A	CROSS HILL, TOWN OF [LAURENS CO.]	SEPTEMBER 06, 1974 AND JUNE 18, 1976
450060	DARLINGTON COUNTY •	DECEMBER 27, 1974
450065A	DILLON, TOWN OF [DILLON CO.]	MAY 17, 1974 AND JUNE 18, 1976
450074A	EDGEFIELD, TOWN OF [EDGEFIELD CO.]	MAY 24, 1974 AND MARCH 05, 1976
450022A	EHRHARDT, TOWN OF [BAMBERG CO.]	JULY 19, 1974 AND JUNE 18, 1976
450118	ELGIN, TOWN [KERSHAW CO]	JANUARY 24, 1975
450310A	FAIRFAX, TOWN OF [ALLENDALE CO.]	MAY 31, 1974 AND APRIL 23, 1976
450132	GILBERT, TOWN OF [LEXINGTON CO.]	OCTOBER 25, 1974
450210	GRAY COURT, TOWN OF [LAURENS CO.]	DECEMBER 13, 1974
450037A	HOLLYWOOD, TOWN OF [CHARLESTON CO.]	SEPTEMBER 06, 1974 AND APRIL 23, 1976
450220	JAMESTOWN, TOWN OF [BERKELEY COU]	FEBRUARY 07, 1975
450063	LAMAR, TOWN [DARLINGTON CO]	JULY 18, 1975
450126	LYNCHBURG, TOWN [LEE CO]	JULY 18, 1975
450150	MCCOLL, TOWN [MARLBORO CO]	JULY 25, 1975
450300A	OLANTA, TOWN OF [FLORENCE CO.]	MAY 24, 1974
450301A	PAMPLICO, TOWN OF [FLORENCE CO.]	MAY 10, 1974
450135A	PELION, TOWN OF [LEXINGTON CO.]	AUGUST 09, 1974 AND JUNE 04, 1976
450218	REEVESVILLE, TOWN OF [DORCHESTER CO.]	DECEMBER 27, 1974
450071A	RIDGEVILLE, TOWN OF [DORCHESTER CO.]	MAY 31, 1974 AND APRIL 30, 1976
450165A	ROMESVILLE, TOWN OF [ORANGEBURG CO.]	SEPTEMBER 20, 1974
450212	SALEM, TOWN OF [OCONEE CO.]	NOVEMBER 08, 1974
450195A	SELLERS, TOWN OF [MARION CO.]	JUNE 07, 1974 AND JULY 23, 1976
450155	SILVERSTREET, TOWN [NEWBERRY CO]	JANUARY 24, 1975
450357A	SMOAKS, TOWN OF [COLLETON CO.]	SEPTEMBER 06, 1974 AND JUNE 18, 1976
450011	SYCAMORE, TOWN OF [ALLENDALE CO.]	OCTOBER 25, 1974
450384A	TIMMONSVILLE, TOWN OF [FLORENCE CO.]	MAY 24, 1974
	TOTAL IN THE STATE	33

* UNINCORPORATED AREAS ONLY

COMMUNITY NUMBER	NAME		HAZARD AREA IDENTIFIED		
		SOUTH DAKOTA			
460152	ALCESTER, CITY	[UNION CO.]	JULY	11, 1975	
460153	ALEXANDRIA, CITY	[HANSON CO.]	JUNE	27, 1975	
460096	ALPENA, TOWN OF	[JERAULD CO.]	SEPTEMBER	26, 1975	
460077	ASHTON, CITY OF	[SPINK CO.]	DECEMBER	06, 1974	
460098	AURORA, TOWN	[BROOKINGS CO.]	JUNE	27, 1975	
460056	BALTIC, TOWN OF	[MINNEHAHA CO.]	DECEMBER	06, 1974	
460155	BERESFORD, CITY	[LINCOLN CO.]	JULY	18, 1975	
460105	CLAREMONT, TOWN	[BROWN CO.]	APRIL	25, 1975	
460165	CLEAR LAKE, CITY OF		AUGUST	08, 1975	
460058	COLUMBIA, TOWN OF	[BROWN CO.]	DECEMBER	06, 1974	
460078	CONDE, TOWN OF	[SPINK CO.]	DECEMBER	20, 1974	
460147	CRESBARD, TOWN	[FAULK CO.]	JULY	18, 1975	
460168	DE SMET, CITY	[KINGSBURY CO.]	JULY	11, 1975	
460079	DOLAND, TOWN OF	(SPINK COU)	FEBRUARY	07, 1975	
460169	DUPREE, CITY OF	[ZIEBACH CO.]	APRIL	25, 1975	
460026A	EDGEMONT, CITY OF	[FALL RIVER CO.]	AUGUST	02, 1974	AND
			JANUARY	16, 1976	
460172	ELKTON, CITY	[BROOKINGS CO.]	AUGUST	22, 1975	
460112	GARY, CITY OF	(DEUEL CO.)	JUNE	27, 1975	
460115	HAYTI, TOWN	[HANLIN CO.]	JUNE	27, 1975	
460101	HERREID, CITY	[CAMPBELL CO.]	JULY	11, 1975	
460118	HUMBOLDT, TOWN	[MINNEHAHA CO.]	SEPTEMBER	05, 1975	
460120	IRENE, TOWN	[YANKTON CO.]	JULY	11, 1975	
460121	IROQUOIS, CITY	[BEADLE CO.]	JULY	18, 1975	
460166	KIMBALL, CITY	[BRULE CO.]	AUGUST	08, 1975	
460124	LAKE NORDEN, CITY	[HAMLIN CO.]	SEPTEMBER	19, 1975	
460125	LANGFORD, TOWN	[MARSHALL CO.]	JUNE	27, 1975	
460190	LEAD, CITY OF	(LAWRENCE COU)	FEBRUARY	07, 1975	
460192	LENNOX, CITY	[LINCOLN CO.]	SEPTEMBER	26, 1975	
460193	LEOLA, CITY	[MCPHERSON CO.]	JUNE	27, 1975	
460195	MCINTOSH, CITY	[CORSON CO.]	SEPTEMBER	19, 1975	
460206	MURDO, CITY	[JONES CO.]	SEPTEMBER	19, 1975	
460127	NEW EFFINGTON, TOWN	[ROBERTS CO.]	JULY	25, 1975	
460209	NEWELL, CITY	[BUTTE CO.]	JULY	18, 1975	
460060	NORTHVILLE, TOWN OF	[SPINK CO.]	DECEMBER	13, 1974	
460211	PARKER, CITY	[TURNER CO.]	JUNE	27, 1975	
460130	PEEVER, CITY	[ROBERTS CO.]	AUGUST	15, 1975	
460132	POLLOCK, TOWN	[CAMPBELL CO.]	JUNE	27, 1975	
460133	PUKWANA, TOWN	[BRULE CO.]	SEPTEMBER	19, 1975	
460134	RAMONA, TOWN	[LAKE CO.]	JULY	25, 1975	
460137	ROSLYN, TOWN	[DAY CO.]	APRIL	25, 1975	
460214	SELBY, CITY	[WALWORTH CO.]	JULY	25, 1975	
460138	ST. FRANCIS, TOWN	[TODD CO.]	SEPTEMBER	19, 1975	
460139	ST. LAWRENCE, TOWN	[HAND CO.]	JULY	18, 1975	
460141	SUMMIT, TOWN	[ROBERTS CO.]	JULY	18, 1975	
460143	TEA, TOWN	[LINCOLN CO.]	SEPTEMBER	19, 1975	
460145	TULARE, TOWN	[SPINK CO.]	JULY	25, 1975	
460062	TURTON, TOWN OF	[SPINK CO.]	DECEMBER	20, 1974	

• UNINCORPORATED AREAS ONLY

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
SOUTH DAKOTA		
460221	VALLEY SPRINGS, TOWN(MINNEHAHA CO.)	SEPTEMBER 26, 1975
460146	VEBLEN, TOWN OF (MARSHALL CO.)	APRIL 25, 1975
460147	WESSINGTON, CITY (BEADLE CO.)	AUGUST 22, 1975
460151	WORTHING, TOWN (LINCOLN CO.)	AUGUST 22, 1975
TOTAL IN THE STATE		51

• UNINCORPORATED AREAS ONLY

TENNESSEE

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
470234	ADAIR, TOWN OF (MADISON COU)	FEBRUARY 07, 1975
470159	ADAMS, TOWN OF (ROBERTSON CO.)	NOVEMBER 15, 1974
470262	ARLINGTON, TOWN (SHELBY CO)	JULY 25, 1975
470265	ATWOOD, TOWN OF (CARROLL CO.)	JULY 18, 1975
470007A	BELL BUCKLE, TOWN OF (BEDFORD CO.)	JUNE 14, 1974
470246	BELLS, TOWN (CROCKETT CO)	JANUARY 10, 1975
470218	BENTON COUNTY	JANUARY 10, 1975
470128A	BETHEL SPRINGS, TOWN OF (MCNAIRY CO.)	JUNE 28, 1974 AND
		APRIL 02, 1976
470220	BLOUNT COUNTY	JANUARY 10, 1975
470057A	BRADFORD, TOWN OF (GIBSON CO.)	JUNE 21, 1974 AND
		APRIL 23, 1976
470120	CHAPEL HILL, TOWN OF (MARSHALL CO.)	JUNE 14, 1974
470160	CROSS PLAINS, TOWN (ROBERTSON CO)	JANUARY 24, 1975
470046	DICKSON COUNTY •	DECEMBER 06, 1974
470160A	EAGLEVILLE, TOWN OF (RUTHERFORD CO.)	AUGUST 23, 1974 AND
		JULY 02, 1976
470271A	ENGLEWOOD, CITY OF (MCMINN CO.)	MAY 17, 1974 AND
		JULY 02, 1976
470242	FAIRVIEW, CITY (WILLIAMSON CO)	APRIL 11, 1975
470129A	FINGER, TOWN OF (MCNAIRY CO.)	SEPTEMBER 06, 1974
470247	GADSDEN, TOWN (CROCKETT CO)	JANUARY 24, 1975
470204	GARLAND, TOWN OF (TIPTON COU)	JANUARY 31, 1975
470200	GIBSON, TOWN OF (GIBSON CO.)	JULY 18, 1975
470190A	GILT EDGE, CITY OF (TIPTON CO.)	SEPTEMBER 13, 1974 AND
		JULY 02, 1976
470255	GRAND JUNCTION, CITY OF (HARDEMAN COU)	JANUARY 31, 1975
470101A	GREENBRIER, CITY OF (ROBERTSON CO.)	JUNE 21, 1974 AND
		JUNE 18, 1976
470226	HANCOCK COUNTY	JANUARY 24, 1975
470008	HENDERSON COUNTY •	DECEMBER 20, 1974
470259A	HENNING, TOWN (LAUDERDALE CO)	JANUARY 03, 1975
470101A	IRON CITY, CITY OF (LAWRENCE CO.)	JUNE 14, 1974 AND
		JUNE 25, 1976
470052	JAMESTOWN, CITY OF (FENTRESS CO)	MARCH 28, 1975
470224	KENTON, TOWN OF (GIBSON CO.)	DECEMBER 27, 1974
470269	KINGSTON SPRINGS, CITY OF (CHEATHAM CO.)	JULY 18, 1975
470121A	LEWISBURG, CITY OF (MARSHALL CO.)	MARCH 01, 1974 AND
		AUGUST 06, 1976
470005	LYNNVILLE, CITY OF (GILES CO.)	JUNE 14, 1974
470251	MEDINA, CITY (GIBSON CO)	JANUARY 03, 1975
470139	MORGAN COUNTY	JANUARY 17, 1975
470291	PEGRAM, TOWN OF (CHEATHAM CO.)	JULY 18, 1975
475442	PIGEON FORGE, CITY OF (SEVIER CO.)	AUGUST 31, 1972
470149	PUTNAM COUNTY •	SEPTEMBER 13, 1974
470131	RAMER, TOWN OF (MCNAIRY CO.)	NOVEMBER 29, 1974
470277	RICHARD CITY, CITY OF (MARION CO.)	FEBRUARY 01, 1974
470102A	RIDGETOP, CITY OF (ROBERTSON CO.)	JUNE 07, 1974 AND
		JUNE 18, 1976

• UNINCORPORATED AREAS ONLY

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
	TENNESSEE	
470235	RIVES, CITY OF (OBION CO.) (OBION CO.)	JANUARY 03, 1975
470061A	RUTHERFORD, TOWN OF (GIBSON CO.)	JUNE 07, 1974 AND JUNE 25, 1976
470003A	SALTILLO, TOWN OF (HARDIN CO.)	JUNE 14, 1974 AND AUGUST 06, 1976
470078A	SIGNAL MOUNTAIN, TOWN OF (HAMILTON CO.)	JUNE 14, 1974 AND SEPTEMBER 03, 1976
470256	STANTON, TOWN (HAYWOOD CO)	JANUARY 03, 1975
470160	STEWART COUNTY •	SEPTEMBER 13, 1974
470279A	SURGOINSVILLE, CITY OF (HAWKINS CO.)	MAY 17, 1974
470260A	TELLICO PLAINS, CITY OF (MONROE CO.)	MARCH 08, 1974 AND AUGUST 13, 1976
470282A	TRACY CITY, CITY OF (GRUNDY CO.)	MAY 10, 1974 AND JULY 02, 1976
470249	TRIMBLE, TOWN (DYER CO)	JANUARY 03, 1975
470259	TUSCULUM, CITY OF (GREENE CO.)	FEBRUARY 07, 1975
470309B	UNTRACE, TOWN OF (BEDFORD CO.)	JUNE 14, 1974 AND SEPTEMBER 17, 1976
470248	WHITE BLUFF, TOWN (DICKSON CO)	JULY 11, 1975
470118A	WHITWELL, CITY OF (MARION CO.)	FEBRUARY 15, 1974 AND AUGUST 13, 1976
470254	YORKVILLE, CITY (GIBSON CO)	JUNE 27, 1975
	TOTAL IN THE STATE	55

• UNINCORPORATED AREAS ONLY

COMMUNITY NUMBER	NAME	TEXAS	HAZARD AREA IDENTIFIED
480900	ADRIAN, CITY	[OLDHAM CO]	JULY 25, 1975
480968	ALEDO, TOWN	[PARKER CO]	JULY 11, 1975
480740	ALTO, TOWN	[CHEROKEE CO]	AUGUST 29, 1975
480397A	ALVARADO, CITY OF [JOHNSON CO.]		AUGUST 09, 1974 AND JANUARY 23, 1976
481052	ALVORD, TOWN	[WISE CO]	SEPTEMBER 19, 1975
480894	AMHERST, CITY	[LAMB CO]	JULY 11, 1975
480067	ANGELINA COUNTY •		DECEMBER 27, 1974
480152A	ANNA, CITY OF [COLLIN CO.]		AUGUST 09, 1974 AND APRIL 23, 1976
480775	ARGYLE, CITY	[DENTON CO]	AUGUST 29, 1975
480507	ARP, CITY OF [SMITH CO.]		AUGUST 16, 1974
480065	BAILEYS PRAIRIE, TOWN OF [BRAZORIA CO.]		NOVEMBER 08, 1974
480767	BARTLETT, CITY	[BELL CO]	SEPTEMBER 12, 1975
480907	BECKVILLE, TOWN	[PANOLA CO]	AUGUST 29, 1975
480743	BELLEVUE, TOWN	[CLAY CO]	JULY 11, 1975
480608	BENJAMIN, CITY	[KNOX CO]	JUNE 27, 1975
481057	BIG SANDY, TOWN	[UPSHUR CO]	JULY 11, 1975
481008	BLACKWELL, TOWN (COKE AND NOLAN COS)		AUGUST 15, 1975
480754	BLUE RIDGE, TOWN	[COLLIN CO]	JULY 11, 1975
480350	BLUM, CITY OF [HILL CO.]		NOVEMBER 01, 1974
480676A	BOYD, CITY OF [WISE CO.]		DECEMBER 28, 1973 AND MARCH 05, 1976
480398A	BRIAR OAKS, CITY OF [JOHNSON CO.]		MARCH 29, 1974 AND JUNE 18, 1976
480877	BRYSON, CITY	[JACK CO]	JULY 11, 1975
480856	BUDA, TOWN OF (HAYS COU)		FEBRUARY 07, 1975
480649	BURTON, CITY OF [WASHINGTON CO.]		DECEMBER 20, 1974
480744	BYERS, CITY	[CLAY CO]	JUNE 27, 1975
480496A	CACTUS, CITY OF [MOORE CO.]		JUNE 14, 1974 AND MARCH 26, 1976
480364A	CADDO MILLS, CITY OF [HUNT CO.]		JUNE 28, 1974 AND MARCH 12, 1976
480365A	CELESTE, CITY OF [HUNT CO.]		JUNE 21, 1974 AND MAY 28, 1976
480566A	CENTER, CITY OF [SHELBY CO.]		MARCH 01, 1974 AND JANUARY 02, 1976
481202	CHILLICOTHE, CITY OF (HARDEMAN CO.)		JULY 18, 1975
481141	CHINA GROVE, CITY (BEXAR CO)		APRIL 25, 1975
480702	CHRISTINE, CITY	[ATASCOSA CO]	JULY 11, 1975
480535	CLARKSVILLE, CITY OF (GREGG CO.)		JULY 11, 1975
480169A	COCKRELL HILL, CITY OF [DALLAS CO.]		DECEMBER 07, 1973 AND JUNE 11, 1976
480144	COLORADO COUNTY •		OCTOBER 25, 1974
480164A	COMBES, TOWN OF [CAMERON CO.]		MAY 10, 1974 AND MAY 21, 1976
480193A	COOPER, CITY OF [DELTA CO.]		JANUARY 09, 1973 AND SEPTEMBER 03, 1976

• UNINCORPORATED AREAS ONLY

COMMUNITY NUMBER	NAME		HAZARD AREA IDENTIFIED		
		TEXAS			
480527A	CORRIGAN, CITY OF [POLK CO.]		MAY	24, 1974	AND
			APRIL	09, 1976	
480409A	CRANDALL, CITY OF [KAUFMAN CO.]		MARCH	08, 1974	AND
			MAY	21, 1976	
481144	DODD CITY, TOWN (FANNIN CO)		JULY	18, 1975	
480761	DODSON, TOWN [COLLINGSWORTH CO]		APRIL	25, 1975	
480086A	EARLY, CITY OF [BROWN CO.]		MAY	17, 1974	AND
			JANUARY	30, 1976	
480695	EARTH, CITY [LAMB CO]		MAY	02, 1975	
481145	EASTON, VILLAGE (GREGG AND RUSK COS)		JULY	18, 1975	
480809	ECTOR, TOWN [FANNIN CO]		JULY	11, 1975	
480703	EDEN, VILLAGE [CONCHO CO]		MAY	02, 1975	
480695A	EDGEWOOD, CITY OF [VAN ZANDT CO.]		JUNE	14, 1974	AND
			APRIL	02, 1976	
480977	EMORY, TOWN [RAINS CO]		AUGUST	08, 1975	
480207	ENNIS, CITY OF [ELLIS CO.]		JUNE	28, 1974	
480277	ESTELLINE, CITY OF [HALL CO.]		NOVEMBER	08, 1974	
481069	FAIRVIEW, TOWN [COLLIN CO]		JANUARY	10, 1975	
480755	FARMERSVILLE, CITY [COLLIN CO]		JULY	11, 1975	
480226A	FLOYDADA, CITY OF [FLOYD CO.]		MAY	31, 1974	AND
			JANUARY	09, 1976	
480446A	FOLLETT, CITY OF [LIPSCOMB CO.]		JUNE	28, 1974	AND
			AUGUST	15, 1975	
480063A	FRANKSTON, CITY OF [ANDERSON CO.]		AUGUST	16, 1974	AND
			JANUARY	09, 1976	
480523A	FRIONA, CITY OF [PARMER CO.]		APRIL	12, 1974	
480456A	GIDDINGS, CITY [LEE CO.]		JUNE	28, 1974	AND
			JANUARY	16, 1976	
480574A	GLEN ROSE, CITY [SOMERVELL CO]		AUGUST	23, 1974	AND
			FEBRUARY	06, 1976	
480860	GOLEY, TOWN [JOHNSON CO]		AUGUST	22, 1975	
480936	GOLDTHWAITE, CITY [MILLS CO]		AUGUST	29, 1975	
480869	GOREE, CITY [KNOX CO]		JULY	11, 1975	
481103	GORMAN, CITY (EASTLAND CO)		AUGUST	08, 1975	
480904	GRAFORD, TOWN [PALO PINTO CO.]		JULY	11, 1975	
480861	GRANDVIEW, CITY [JOHNSON CO]		JULY	11, 1975	
481046	GRANGER, CITY OF (WILLIAMSON COU)		FEBRUARY	07, 1975	
480326	GUN BARREL CITY, CITY OF [HENDERSON CO.]		NOVEMBER	08, 1974	
480332	GUNTER, TOWN [GRAYSON CO]		JULY	11, 1975	
480153A	GUSTINE, TOWN OF [COMANCHE CO.]		AUGUST	02, 1974	AND
			MARCH	19, 1976	
480273A	HALE CENTER, CITY OF [HALE CO.]		MAY	10, 1974	
481011	HAPPY, CITY OF (RANDALL & SWISHER)		FEBRUARY	14, 1975	
480736	HART, CITY [CASTRO CO]		JUNE	27, 1975	
480600	HASLET, CITY OF [TARRANT CO.]		NOVEMBER	01, 1974	
481050	HAWKINS, CITY [WOOD CO]		SEPTEMBER	12, 1975	
480201A	HEDLEY, CITY OF [DONLEY CO.]		NOVEMBER	08, 1974	AND
			JANUARY	23, 1976	
480458A	HEWITT, CITY OF [MCLENNAN CO.]		JANUARY	23, 1974	AND

• UNINCORPORATED AREAS ONLY

COMMUNITY NUMBER	NAME	TEXAS	HAZARD AREA IDENTIFIED
480643	HICO, TOWN	[HAMILTON CO.]	MARCH 12, 1976
481165	HIGHLAND VILLAGE, CITY OF	[DENTON CO.]	AUGUST 22, 1975
480699	HOLLIDAY, CITY	[ARCHER CO.]	SEPTEMBER 19, 1975
480810	HONEY GROVE, CITY	[FANNIN CO.]	APRIL 18, 1975
480373	HUTCHINSON COUNTY •		JULY 11, 1975
481072	IREDELL, TOWN OF	[BOSQUE CO.]	FEBRUARY 07, 1975
480800	ITALY, TOWN	[ELLIS CO.]	NOVEMBER 01, 1974
480802	JOSHUA, CITY	[JOHNSON CO.]	AUGUST 15, 1975
480417	KENDALL COUNTY •		JUNE 27, 1975
480674A	KERMIT, CITY OF	[WINKLER CO.]	DECEMBER 27, 1974
480690A	KNOX CITY, CITY	[KNOX CO.]	MAY 24, 1974 AND JULY 23, 1976
481012	KRESS, CITY OF	(SWISHER CO)	AUGUST 15, 1975 AND JULY 23, 1976
480779	KRUM, CITY	[DENTON CO.]	FEBRUARY 21, 1975
480475A	LACOSTE, CITY OF	[MEDINA CO.]	JULY 25, 1975
480611	LADONIA, TOWN	[FANNIN CO.]	JANUARY 09, 1974 AND FEBRUARY 27, 1976
481169	LAKEPORT, TOWN	(GREGG CO)	JULY 11, 1975
480278	LAKEVIEW, TOWN OF	[HALL CO.]	AUGUST 29, 1975
480812	LEONARD, CITY	[FANNIN CO.]	DECEMBER 06, 1974
480902	LEXINGTON, TOWN OF	(LEE CO)	JULY 25, 1975
480509A	LINDALE, CITY OF	[SMITH CO.]	FEBRUARY 21, 1975
480900	LOMETA, TOWN	[LAMPASAS CO.]	MARCH 22, 1974 AND JANUARY 23, 1976
480308	LONE OAK, CITY	[HUNT CO.]	MAY 02, 1975
481109	LORAINE, TOWN OF	(MITCHELL CO.)	JUNE 27, 1975
481110	LUCAS, TOWN OF		JUNE 27, 1975
480268	MARION, CITY OF	[GUADALUPE CO.]	JULY 25, 1975
480268	MAYPEARL, CITY OF	[ELLIS CO.]	JANUARY 09, 1974
480257A	MCLEAN, CITY OF	[GRAY CO.]	NOVEMBER 29, 1974
480546	MCLENDON-CHISHOLM, CITY	[ROCKWALL CO.]	MAY 17, 1974 AND JANUARY 30, 1976
481620	MEADOW, TOWN	[TERRY CO.]	SEPTEMBER 26, 1975
480700	MEGARGEL, TOWN	[ARCHER CO.]	AUGUST 22, 1975
481010	MERKEL, CITY	[TAYLOR CO.]	AUGUST 22, 1975
480370A	MERTZON, CITY OF	[IRION CO.]	MAY 02, 1975
480541A	MIAMI, CITY OF	[ROBERTS CO.]	JULY 26, 1974 AND FEBRUARY 27, 1976
480602	MILFORD, TOWN	[ELLIS CO.]	MAY 24, 1974 AND JUNE 11, 1976
480679A	MINEOLA, CITY OF	[WOOD CO.]	AUGUST 29, 1975
480518	MINGUS, CITY	[PALO PINTO CO.]	MAY 03, 1974 AND JUNE 04, 1976
480937	MITCHELL COUNTY		MAY 02, 1975
481303	MORAN, CITY	[SHACKELFORD CO.]	APRIL 12, 1974
480453A	MOULTON, TOWN OF	[LAVACA CO.]	APRIL 25, 1975
			APRIL 05, 1974 AND MARCH 05, 1976

* UNINCORPORATED AREAS ONLY

COMMUNITY NUMBER	NAME		HAZARD AREA IDENTIFIED		
480767	MUENSTER, CITY	[COOKE CO]	JULY	25, 1975	
480920	NEW HOME, TOWN	[LYNN CO]	SEPTEMBER	05, 1975	
481126	NEWARK, CITY (WISE CO)		JUNE	27, 1975	
480500A	NEWTON, CITY OF [NEWTON CO.]		JUNE	07, 1974	AND
			JUNE	04, 1976	
480457A	OAKWOOD, TOWN OF [LEON CO.]		MAY	24, 1974	AND
			FEBRUARY	06, 1976	
480260A	ODESSA, CITY OF [ECTOR CO.]		JUNE	28, 1974	
481062	OZONA, CITY OF [CROCKETT CO.]		DECEMBER	07, 1973	
480662	O'BRIEN, CITY	[HASKELL CO]	JULY	25, 1975	
480771	PADUCAH, CITY OF (COTTLE CO.)		JUNE	27, 1975	
480569A	PERRYTON, CITY OF [OCHILTREE CO.]		SEPTEMBER	13, 1974	
480763	PILOT POINT, TOWN	[DENTON CO]	AUGUST	08, 1975	
480116A	PITTSBURG, CITY OF [CAMP CO.]		JANUARY	23, 1974	AND
			MAY	28, 1976	
480764	PONDER, CITY	[DENTON CO]	AUGUST	22, 1975	
480834	POTTSBORO, TOWN	[GRAYSON CO]	SEPTEMBER	19, 1975	
480757	PRINCETON, CITY	[COLLIN CO]	JULY	25, 1975	
480141A	PROSPER, TOWN OF [COLLIN CO.]		JUNE	21, 1974	AND
			JANUARY	30, 1976	
480675A	PYOTE, CITY OF [WARD CO.]		AUGUST	16, 1974	
480370A	QUINLAN, CITY OF [HUNT CO.]		APRIL	12, 1974	AND
			APRIL	16, 1976	
481057	QUITMAN, CITY	[WOOD CO]	SEPTEMBER	12, 1975	
480260A	RANGER, CITY OF [EASTLAND CO.]		MAY	17, 1974	AND
			APRIL	23, 1976	
480240A	RANKIN, CITY OF [UPTON CO.]		MAY	10, 1974	AND
			MARCH	12, 1976	
480803	RED OAK, TOWN	[ELLIS CO]	MAY	02, 1975	
481158	RETREAT, TOWN (NAVARRO CO)		JULY	11, 1975	
480957	RICE, CITY	[NAVARRO CO]	SEPTEMBER	26, 1975	
480502A	RICHLAND SPRINGS, CITY OF [SAN SABA CO.]		NOVEMBER	08, 1974	AND
			MARCH	05, 1976	
480958	RICHLAND, TOWN	[NAVARRO CO]	JULY	25, 1975	
480765	ROANOKE, CITY	[DENTON CO]	SEPTEMBER	05, 1975	
480749	ROBERT LEE, CITY	[COKE CO]	JUNE	27, 1975	
480225A	RUBY, CITY OF [FISHER CO.]		MAY	17, 1974	
481120	RUNGE, TOWN (KARNES CO)		APRIL	25, 1975	
481059	SABINAL, CITY	[UVALDE CO]	SEPTEMBER	26, 1975	
480607A	SAN PERLITA, CITY OF [WILLACY CO.]		OCTOBER	25, 1974	AND
			JUNE	18, 1976	
480761	SANTA ANNA, TOWN	[COLEMAN CO]	JUNE	27, 1975	
480119A	SANTA ROSA, CITY OF [CAMERON CO.]		MAY	17, 1974	AND
			APRIL	02, 1976	
480728	SKELLYTOWN, TOWN	[CARSON CO]	MAY	02, 1975	
481163	SOUTHMAYD, TOWN (GRAYSON CO)		SEPTEMBER	12, 1975	
480488A	SPLENDORA, CITY OF [MONTGOMERY CO.]		AUGUST	30, 1974	AND

• UNINCORPORATED AREAS ONLY

COMMUNITY NUMBER	NAME		HAZARD AREA IDENTIFIED		
	TEXAS				
480375A	STINNETT, CITY OF [HUTCHINSON CO.]		MARCH 05, 1976		
			MAY 31, 1974	AND	
480673A	STOCKDALE, CITY OF [WILSON CO.]		JANUARY 16, 1976		
			MAY 31, 1974	AND	
481049	STRATFORD, TOWN [SHERMAN CO]		OCTOBER 10, 1975		
480995	TATUM, CITY [RUSK CO]		JULY 11, 1975		
481049	THRALL, CITY OF [WILLIAMSON CO]		JULY 11, 1975		
480835	TIOGA, TOWN [GRAYSON CO]		FEBRUARY 21, 1975		
480868	TOLAR, TOWN [HOOD CO]		AUGUST 08, 1975		
480830	TOM BEAN, TOWN [GRAYSON CO]		JULY 18, 1975		
480515	TOMBALL, CITY [HARRIS CO]		JULY 18, 1975		
480814	TRENTON, TOWN [FANNIN CO]		JANUARY 24, 1975		
481017	TUSCOLA, TOWN [TAYLOR CO]		AUGUST 15, 1975		
481018	TYE, CITY [TAYLOR CO]		AUGUST 29, 1975		
480849	UNCERTAIN, CITY [HARRISON CO]		JULY 11, 1975		
480837	VAN ALSTYNE, TOWN OF [GRAYSON CO.]		JULY 18, 1975		
480863	VENUS, TOWN [JOHNSON CO]		JULY 18, 1975		
480603A	VERNON, CITY OF [WILBARGER CO.]		JULY 11, 1975		
			MAY 17, 1974	AND	
480741	WELLS, TOWN [CHEROKEE CO]		JANUARY 16, 1976		
480652	WHARTON COUNTY •		JULY 11, 1975		
480841	WHITE OAK, TOWN [GREGG CO]		AUGUST 02, 1974		
480836	WHITESBORO, TOWN [GRAYSON CO]		AUGUST 22, 1975		
480693A	WILLS POINT, CITY OF [VAN ZANDT CO.]		JULY 11, 1975		
			MAY 17, 1974	AND	
480675A	WINK, CITY OF [WINKLER CO.]		FEBRUARY 27, 1976		
			JUNE 28, 1974	AND	
480573A	WINONA, CITY OF [SMITH CO.]		AUGUST 13, 1976		
			NOVEMBER 01, 1974	AND	
480372A	WOLFE CITY, CITY OF [HUNT CO.]		JANUARY 23, 1976		
480434	YOAKUM, CITY OF [LAVACA CO.]		JUNE 28, 1974		
480667	ZAPATA COUNTY •		MAY 10, 1974		
			AUGUST 02, 1974		
	TOTAL IN THE STATE	177			

• UNINCORPORATED AREAS ONLY

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
	UTAH	
490123	AURORA, TOWN OF (SEVIER CO.)	JANUARY 31, 1975
490194	BEAR RIVER, CITY (BOX ELDER CO.)	SEPTEMBER 05, 1975
490002	BEAVER, CITY OF (BEAVER CO.)	JUNE 11, 1974
490095A	CIRCLEVILLE, TOWN OF (PIUTE CO.)	AUGUST 02, 1974 AND JUNE 11, 1976
490007	ELWOOD, TOWN (BOX ELDER CO.)	JANUARY 24, 1975
490169A	ENTERPRISE, CITY OF (WASHINGTON CO.)	AUGUST 16, 1974
490198	FIELDING, TOWN (BOX ELDER CO.)	AUGUST 08, 1975
490199	FRANCIS, TOWN (SUMMIT CO.)	JULY 25, 1975
490154	GENOLA, TOWN OF (UTAH CO.)	FEBRUARY 07, 1975
490155	GOSHEN, TOWN OF (UTAH CO.)	FEBRUARY 07, 1975
490166A	HUNTSVILLE, TOWN OF (WEBER CO.)	JUNE 21, 1974
490165	LOA, TOWN OF (WAYNE CO.)	DECEMBER 20, 1974
490202	MANILA, TOWN (DAGGETT CO.)	SEPTEMBER 19, 1975
490211	MIDVALE, CITY (SALT LAKE CO.)	SEPTEMBER 26, 1975
490022	NEWTON, TOWN (CACHE CO.)	JULY 11, 1975
490263	PLYMOUTH, TOWN (BOX ELDER CO.)	AUGUST 22, 1975
490166A	RANDOLPH, TOWN OF (RICH CO.)	AUGUST 16, 1974
490030	TRENTON, TOWN (CACHE CO.)	JUNE 27, 1975
490147	UINTAH COUNTY •	FEBRUARY 14, 1975
490037A	WELLINGTON, CITY OF (CARBON CO.)	JULY 26, 1974 AND APRIL 09, 1976
	TOTAL IN THE STATE 20	

• UNINCORPORATED AREAS ONLY

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
	VERMONT	
500279	ATHENS, TOWN OF [WINDHAM CO.]	DECEMBER 06, 1974
500227	BELVIDERE, TOWN OF [LAMOILLE CO.]	DECEMBER 06, 1974
500236	BROOKFIELD, TOWN OF [ORANGE CO.]	DECEMBER 13, 1974
500245	BROWNINGTON, TOWN OF [ORLEANS CO.]	DECEMBER 13, 1974
500167A	CABOT, VILLAGE OF [WASHINGTON CO.]	SEPTEMBER 06, 1974
500063	CHARLESTON, TOWN OF [ORLEANS CO.]	AUGUST 09, 1974
500165	DANVILLE, TOWN [CALEDONIA CO]	JANUARY 17, 1975
500249	DERBY CENTER, VILLAGE OF [ORLEANS CO]	MARCH 28, 1975
500229	EDEN, TOWN OF [LAMOILLE CO.]	DECEMBER 06, 1974
500318	ELMORE, TOWN [LAMOILLE CO]	APRIL 11, 1975
500251	ENOSBURG, TOWN OF [FRANKLIN CO.]	AUGUST 09, 1974
500055A	ESSEX JCT., VILLAGE OF [CHITTANDEN CO.]	JUNE 28, 1974 AND JULY 30, 1976
500210	FERDINAND, TOWN OF [ESSEX CO.]	DECEMBER 13, 1974
500251	GLOVER, TOWN OF [ORLEANS CO.]	DECEMBER 20, 1974
500129A	GRAFTON, TOWN OF [WINDHAM CO.]	DECEMBER 06, 1974 AND APRIL 02, 1976
500211	GRANBY, TOWN OF [ESSEX CO.]	DECEMBER 13, 1974
500003	GRANVILLE, TOWN OF [ADDISON CO.]	JANUARY 24, 1975
500167	HARDWICK, VILLAGE OF [CALEDONIA CO.]	DECEMBER 20, 1974
500313A	HUBBARDTON, TOWN OF [RUTLAND CO.]	DECEMBER 13, 1974 AND SEPTEMBER 10, 1976
500252	IRASBURG, TOWN OF [ORLEANS CO.]	DECEMBER 20, 1974
500253	JAY, TOWN OF [ORLEANS CO.]	SEPTEMBER 13, 1974
500166	KIRBY, TOWN OF [CALEDONIA CO.]	DECEMBER 13, 1974
500546	LUNENBURG, TOWN OF [ESSEX CO.]	JUNE 28, 1974
500213	MAIDSTONE, TOWN OF [ESSEX CO.]	DECEMBER 13, 1974
500107	MONKTON, TOWN [ADDISON CO]	JANUARY 24, 1975
500255	MORGAN, TOWN OF [ORLEANS CO.]	JANUARY 31, 1975
500262	MT. TABOR, TOWN [RUTLAND CO]	JANUARY 10, 1975
500265	N WESTMINSTER, VILL [WINDHAM CO]	JANUARY 10, 1975
500195	NEWARK, TOWN [CALEDONIA CO.]	JANUARY 10, 1975
500264	NEWFANE, VILLAGE [WINDHAM CO]	JANUARY 03, 1975
500256	NEWPORT, TOWN OF [ORLEANS CO.]	NOVEMBER 01, 1974
500180	NORTH BENNINGTON, VILLAGE OF [BENNINGTON CO]	FEBRUARY 21, 1975
500214	NORTON, TOWN OF [ESSEX CO]	MARCH 28, 1975
500296	PERKINSVILLE, VILL [WINDSOR CO]	JANUARY 03, 1975
500181	PERU, TOWN [BENNINGTON CO]	JANUARY 10, 1975
500183	SANDGATE, TOWN OF [BENNINGTON CO.]	JANUARY 31, 1975
500184	SEARSBURG, TOWN OF [BENNINGTON CO.]	NOVEMBER 15, 1974
500207	SOMERSET, TOWN OF [WINDHAM CO.]	NOVEMBER 22, 1974
500321	STRATTON, TOWN OF [WINDHAM CO.]	JANUARY 31, 1975
500269	SUDBURY, TOWN [RUTLAND CO]	JANUARY 24, 1975
500178A	SUTTON, TOWN OF [CALEDONIA CO.]	DECEMBER 13, 1974 AND SEPTEMBER 24, 1976
500270	TINMOUTH, TOWN OF [RUTLAND CO.]	DECEMBER 06, 1974
500288	TOWNSEND, VILLAGE OF [WINDHAM CO.]	NOVEMBER 29, 1974
500215	VICTORY, TOWN OF [ESSEX CO.]	DECEMBER 13, 1974
500077A	WASHINGTON, TOWN OF [ORANGE CO]	JUNE 28, 1974 AND

* UNINCORPORATED AREAS ONLY

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
	VERMONT	
500233A	WATERVILLE, TOWN OF (LAMOILLE CO.)	FEBRUARY 20, 1976 DECEMBER 20, 1974 AND SEPTEMBER 17, 1976
500078	WELLS RIVER, VILLAGE OF (ORANGE CO.)	AUGUST 09, 1974
500272	WEST HAVEN, TOWN (RUTLAND CO.)	JANUARY 03, 1975
500257	WESTFIELD, TOWN OF (ORLEANS CO.)	SEPTEMBER 06, 1974
500203	WESTFORD, TOWN (CHITTENDEN CO.)	JANUARY 03, 1975
500140	WESTMINSTER, VILLAGE OF (WINDHAM CO.)	DECEMBER 20, 1974
500311	WESTMORE, TOWN (ORLEANS CO.)	JANUARY 03, 1975
500204	WHEELOCK, TOWN OF (CALEDONIA CO.)	NOVEMBER 15, 1974
	TOTAL IN THE STATE	53

• UNINCORPORATED AREAS ONLY

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
	VIRGINIA	
510242A	BELLE HAVEN, TOWN OF (ACCOMACK CO.)	NOVEMBER 01, 1974 AND SEPTEMBER 10, 1976
510218A	HALLWOOD, TOWN OF (ACCOMACK CO.)	AUGUST 09, 1974 AND MAY 28, 1976
510121A	HAYMARKET, TOWN OF (PRINCE WILLIAM CO.)	AUGUST 09, 1974
510316A	HILLSBORO, TOWN (LOUDOUN CO)	APRIL 04, 1975 AND SEPTEMBER 17, 1976
510309	LUNENBURG COUNTY •	JULY 25, 1975
510246A	NEW CASTLE, TOWN OF (CRAIG CO.)	AUGUST 09, 1974
510322	ROYKINS, TOWN OF (SOUTHAMPTON CO.)	MAY 31, 1974
510308	SPOTSYLVANIA COUNTY •	JULY 11, 1975
	TOTAL IN THE STATE 8	

* UNINCORPORATED AREAS ONLY

WASHINGTON

COMMUNITY NUMBER	NAME		HAZARD AREA IDENTIFIED
530167	ALMIRA, TOWN OF [LINCOLN CO.]		DECEMBER 06, 1974
530260	CONNELL, TOWN	[FRANKLIN CO.]	JULY 11, 1975
530166A	CRESTON, TOWN OF [LINCOLN CO.]		DECEMBER 20, 1974 AND APRIL 02, 1976
530246	ELMER CITY, TOWN	[OKANOGAN CO.]	AUGUST 22, 1975
530150A	FRIDAY HARBOR, TOWN OF [SAN JUAN CO.]		NOVEMBER 29, 1974
530265	GOLD BAR, TOWN	[SNOHOMISH CO.]	SEPTEMBER 19, 1975
530110	HARRINGTON, TOWN OF [LINCOLN CO.]		DECEMBER 13, 1974
530289	KALAMA, TOWN	[COWLITZ CO.]	JULY 11, 1975
530291	LAKE STEVENS, TOWN	[SNOHOMISH CO.]	SEPTEMBER 05, 1975
530178	LATAH, TOWN OF [SPOKANE CO.]		DECEMBER 06, 1974
530256	MALDEN, TOWN	[WHITMAN CO.]	JULY 18, 1975
530253	MOSSYROCK, CITY OF	(LEWIS CO.)	FEBRUARY 07, 1975
530255	MUKILTEO, TOWN	[SNOHOMISH CO.]	JULY 11, 1975
530259	PRESCOTT, TOWN	[WALLA WALLA CO.]	JULY 18, 1975
530112	REARDAN, TOWN	[LINCOLN CO.]	JANUARY 10, 1975
530042A	REPUBLIC, TOWN OF [FERRY CO.]		JUNE 07, 1974 AND JANUARY 16, 1976
530059	ROCK ISLAND, TOWN	[DOUGLAS CO.]	JANUARY 24, 1975
530262	ROY, TOWN	[PIERCE CO.]	JULY 18, 1975
530263	S CLE ELUM, TOWN	[KITTITAS CO.]	JULY 11, 1975
530236	SKYKOMISH, TOWN OF	(KING))	FEBRUARY 14, 1975
530264	SPRINGDALE, TOWN	[STEVENS CO.]	MAY 02, 1975
530031	STARBUCK, CITY	[COLUMBIA CO.]	JANUARY 03, 1975
530265	TIETON, TOWN	[YAKIMA CO.]	JULY 11, 1975
530363	TOLEDO, TOWN	[LEWIS CO.]	JULY 11, 1975
530266A	VADER, TOWN	[LEWIS CO.]	SEPTEMBER 05, 1975
530184	WAVERLY, TOWN OF [SPOKANE CO.]		NOVEMBER 15, 1974
530368	WOODWAY, TOWN	[SNOHOMISH CO.]	SEPTEMBER 19, 1975
530369	YARROW POINT, TOWN	[KING CO.]	AUGUST 08, 1975

TOTAL IN THE STATE 28

• UNINCORPORATED AREAS ONLY

WEST VIRGINIA

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
540051	HARDY COUNTY •	APRIL 25, 1975
540065	LEWIS COUNTY •	FEBRUARY 21, 1975
540278	MONROE COUNTY	JULY 25, 1975
540103	ROANE COUNTY •	APRIL 25, 1975
540213	WOOD COUNTY	JANUARY 17, 1975

TOTAL IN THE STATE 5

• UNINCORPORATED AREAS ONLY

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
	WISCONSIN	
550009A	ALMENA, VILLAGE OF [BARRON CO.]	SEPTEMBER 06, 1974 AND MAY 14, 1976
550174A	BARNEVELD, VILLAGE OF [IOWA CO.]	MAY 17, 1974 AND DECEMBER 26, 1975
550526	BEAR CREEK, VILLAGE OF [OUTAGAMIE CO.]	NOVEMBER 22, 1974
550068A	BELL CENTER, VILLAGE OF [CRAWFORD CO.]	JANUARY 09, 1974
550493A	BIG FALLS, VILLAGE OF [WAUPACA CO.]	AUGUST 30, 1974
550148A	BOSCOBEL, CITY OF [GRANT CO.]	DECEMBER 17, 1973
550161A	BRUNTON, VILLAGE OF [GREEN CO.]	JANUARY 09, 1974 AND JUNE 04, 1976
550018A	CABLE, VILLAGE OF [BAYFIELD CO.]	AUGUST 30, 1974 AND NOVEMBER 21, 1975
550011A	CAMERON, VILLAGE OF [BARRON CO.]	DECEMBER 28, 1973 AND MAY 28, 1976
550358A	CAZENOVIA, VILLAGE OF [RICHLAND CO.]	AUGUST 23, 1974 AND OCTOBER 24, 1975
550371A	CONRATH, VILLAGE OF [RUSK CO.]	AUGUST 30, 1974 AND MARCH 19, 1976
550069A	DESOTO, VILLAGE [CRAWFORD CO.]	JANUARY 09, 1974 AND MAY 14, 1976
550401A	EAGLE RIVER, CITY OF [VILAS CO.]	DECEMBER 28, 1973
550417A	ELAND, VILLAGE OF [SHAWANO CO.]	AUGUST 23, 1974 AND MARCH 19, 1976
550249A	ELDERON, VILLAGE OF [MARATHON CO.]	JULY 19, 1974 AND JULY 30, 1976
550149A	FAIRCHILD, VILLAGE OF [EAU CLAIRE CO.]	MAY 31, 1974 AND JUNE 04, 1976
550250A	FENWOOD, VILLAGE OF [MARATHON CO.]	AUGUST 02, 1974 AND MAY 14, 1976
550110A	FORESTVILLE, VILLAGE OF [DOOR CO.]	NOVEMBER 30, 1973
550307	FORTVILLE, VILLAGE OF [CRUCK CO.]	MAY 31, 1974
550238A	FRANCIS CREEK, VILLAGE OF [MANITOWOC CO.]	MAY 17, 1974
550372	GLEN FLORA, VILLAGE OF [RUSK CO.]	NOVEMBER 08, 1974
550050A	GRANTON, VILLAGE OF [CLARK CO.]	AUGUST 30, 1974
550202A	HUSTLER, VILLAGE OF [JUNEAU CO.]	AUGUST 23, 1974 AND MAY 14, 1976
550374A	INGRAM, VILLAGE OF [RUSK CO.]	SEPTEMBER 06, 1974
550393A	IRONTON, VILLAGE OF [SAUK CO.]	AUGUST 16, 1974
550396A	LIME RIDGE, VILLAGE OF [SAUK CO.]	AUGUST 23, 1974 AND APRIL 23, 1976
550132A	LOWELL, VILLAGE OF [DODGE CO.]	MAY 17, 1974
550459A	LUBLIN, VILLAGE OF [TAYLOR CO.]	SEPTEMBER 20, 1974
550170A	MARQUETTE, VILLAGE OF [GREEN LAKE CO.]	DECEMBER 28, 1973
550419A	MATTOON, VILLAGE OF [SHAWANO CO.]	AUGUST 30, 1974
550268A	MELVINA, VILLAGE OF [MONROE CO.]	AUGUST 30, 1974 AND MAY 28, 1976
550152A	MOUNT HOPE, VILLAGE OF [GRANT CO.]	AUGUST 30, 1974 AND MAY 14, 1976
550205A	NECEDAH, VILLAGE OF [JUNEAU CO.]	JANUARY 09, 1974 AND

• UNINCORPORATED AREAS ONLY

COMMUNITY NUMBER	NAME	HAZARD AREA IDENTIFIED
	WISCONSIN	
550376A	NEW AUBURN, CITY OF (CHIPPEWA CO.)	MAY 28, 1976 JULY 19, 1974 AND AUGUST 13, 1976
550350A	NORTH BAY, VILLAGE OF (RACINE CO.)	SEPTEMBER 06, 1974 AND SEPTEMBER 10, 1976
550500A	OGDENSBURG, VILLAGE OF (WAUPACA CO.)	AUGUST 23, 1974 AND MAY 28, 1976
550113A	OLIVER, VILLAGE OF (DOUGLAS CO.)	AUGUST 30, 1974 AND JUNE 18, 1976
550457A	ONTARIO, VILLAGE OF (VERNON CO.)	JANUARY 09, 1974
550427A	OOSTBURG, VILLAGE OF (SHEBOYGAN CO.)	JUNE 28, 1974 AND JUNE 04, 1976
550155A	POTOSI, VILLAGE OF (GRANT CO.)	DECEMBER 28, 1973
550401A	PRAIRIE DU SAC, VILLAGE OF (SAUK CO.)	DECEMBER 07, 1973
550455A	READSTOWN, VILLAGE OF (VERNON CO.)	DECEMBER 07, 1973 AND APRIL 16, 1976
550566A	REDGRANITE, VILLAGE OF (WAUSHARA CO.)	MAY 17, 1974 AND MAY 28, 1976
550242	ROCKLAND, VILLAGE OF (LA CROSSE CO)	JULY 11, 1975
550556	SHOREWOOD HILLS, VILLAGE OF (DANE COU)	JANUARY 31, 1975
550230A	SHULLSBURG, CITY OF (LAFAYETTE CO.)	MAY 17, 1974 AND MAY 28, 1976
550231A	SOUTH WAYNE, VILLAGE OF (LAFAYETTE CO.)	DECEMBER 07, 1973 AND MAY 28, 1976
550366	STANTON, TOWN OF (ST. CROIX CO.)	NOVEMBER 15, 1974
550367A	STAR PRAIRIE, VILLAGE OF (ST. CROIX CO.)	DECEMBER 28, 1973 AND MAY 28, 1976
550353A	STURTEVANT, VILLAGE OF (RACINE CO.)	MAY 24, 1974
550400	TROY, VILLAGE OF (SAUK CO.) (SAUK CO.)	DECEMBER 06, 1974
550207	UNION CENTER, VILLAGE OF (JUNEAU CO.)	NOVEMBER 15, 1974
550257A	UNITY, CITY OF (MARATHON CO.)	SEPTEMBER 20, 1974
550519A	VESPER, VILLAGE OF (WOOD CO.)	AUGUST 02, 1974 AND JUNE 04, 1976
550567A	WILD ROSE, VILLAGE OF (WAUSHARA CO.)	MAY 31, 1974 AND JUNE 04, 1976
550156A	WOODMAN, VILLAGE OF (GRANT CO.)	JANUARY 16, 1974 AND AUGUST 08, 1975
	TOTAL IN THE STATE	56

• UNINCORPORATED AREAS ONLY

COMMUNITY NUMBER	NAME		HAZARD AREA IDENTIFIED		
	WYOMING				
560041	CHUGWATER, TOWN OF (PLATTE CO.)		DECEMBER	13, 1974	
560059	COWLEY, TOWN	(BIG HORN CO)	SEPTEMBER	19, 1975	
560018A	DUBOIS, TOWN OF (FREMONT CO.)		JANUARY	23, 1974	AND
			AUGUST	27, 1976	
560028A	EAST THERMOPOLIS, TOWN OF (HOT SPRINGS CO.)		NOVEMBER	08, 1974	AND
			FEBRUARY	06, 1976	
560061	ENCAMPMENT, TOWN	(CARBON CO)	SEPTEMBER	26, 1975	
560062	GLENDO, TOWN	(PLATTE CO)	AUGUST	15, 1975	
560058A	GREYBULL, TOWN	(BIG HORN CO)	JUNE	21, 1974	
560063	HANNA, TOWN	(CARBON CO)	AUGUST	22, 1975	
560026	KAYCEE, TOWN OF (JOHNSON CO.)		NOVEMBER	22, 1974	
560035	KEMMERER, TOWN OF (LINCOLN CO.)		MARCH	29, 1974	
560064	LINGLE, TOWN	(GOSHEN CO)	AUGUST	15, 1975	
560075	LYMAN, TOWN	(UINTA CO)	SEPTEMBER	19, 1975	
560046A	RANCHESTER, TOWN OF (SHERIDAN CO.)		SEPTEMBER	06, 1974	AND
			MARCH	12, 1976	
560021A	RIVERTON, CITY OF (FREMONT CO.)		MARCH	29, 1974	AND
			AUGUST	06, 1976	
560003	ROCK RIVER, CITY OF	(ALBANY COU)	FEBRUARY	07, 1975	
560078	SHOSHONI, TOWN	(FREMONT CO)	AUGUST	15, 1975	
560067	SINCLAIR, TOWN	(CARBON CO)	JULY	25, 1975	
560055	TEN SLEEP, TOWN OF (WASHAKIE CO.)		DECEMBER	13, 1974	
560024	YODER, TOWN OF (GOSHEN CO.)		DECEMBER	06, 1974	
	TOTAL IN THE STATE	19			

National Total 3,190

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

Issued: October 12, 1976.

HOWARD B. CLARK,
Acting Federal
Insurance Administrator.

[FR Doc.76-30450 Filed 10-18-76;8:45 am]